

TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION REGULATIONS

CHAPTER 155: SUBDIVISION REGULATIONS

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**TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION REGULATIONS /
GENERALLY**

GENERALLY

**TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION REGULATIONS /
GENERALLY / § 155.001 TITLE.**

§ 155.001 TITLE.

These regulations shall be known and may be cited and referred to as the "Subdivision Regulations for Tipp City, Ohio," and shall hereinafter be referred to as "these regulations."

(1974 Code, § 155.001) (Ord. 77-78, passed 10-2-1978)

TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION REGULATIONS / GENERALLY / § 155.002 PURPOSE.

§ 155.002 PURPOSE.

The foregoing rules and regulations are adopted to secure and provide for:

- (A) The proper arrangement of streets or highways in relation to existing or planned streets or highways, or to the Official Thoroughfare Plan.
- (B) Adequate and convenient open spaces for vehicular and pedestrian traffic, utilities, access of fire fighting apparatus, recreation, light, and air.
- (C) The avoidance of congestion of population.
- (D) The orderly and efficient layout and the appropriate use of the land.
- (E) The accurate surveying of land, preparing and recording of plats, and the equitable handling of all subdivision plats by providing uniform procedures and standards for observance by both the approving authority and subdividers.

(1974 Code, § 155.002) (Ord. 77-78, passed 10-2-1978)

TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION REGULATIONS / GENERALLY / § 155.003 PLANNED UNIT DEVELOPMENTS.

§ 155.003 PLANNED UNIT DEVELOPMENTS.

The planned unit development approach to development is encouraged. These regulations may be modified by the degree necessary to accomplish the objectives and standards required for the planned unit development of residential, commercial, or industrial

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subdivisions, or a mixture thereof, in accordance with the zoning code. Nothing within this section, however, shall exempt the developer from the requirements of subdivision plat approval as specified in §§ 155.020 through 155.031 and 155.040 through 155.059.

(1974 Code, § 155.003) (Ord. 77-78, passed 10-2-1978)

Cross-reference:

Planned Development provisions, see § 154.056

**TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION REGULATIONS /
GENERALLY / § 155.004 AUTHORITY AND JURISDICTION.**

§ 155.004 AUTHORITY AND JURISDICTION.

R.C. Ch. 711 enables the City Council and City Planning Board to adopt regulations governing subdivisions within the city and the territory within 3 miles of the corporate limits thereof.

(1974 Code, § 155.004) (Ord. 77-78, passed 10-2-1978)

**TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION REGULATIONS /
GENERALLY / § 155.005 RELATION TO OTHER LAWS.**

§ 155.005 RELATION TO OTHER LAWS.

The provisions of these regulations shall supplement any and all laws of the State of Ohio, ordinances of the city, or any and all rules and regulations promulgated by authority of such law, ordinances, or resolutions relating to the purpose and scope of these regulations. Whenever the requirements of these regulations are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, or resolutions, the most restrictive or that imposing the higher standards shall govern, except as provided in § 155.003.

(1974 Code, § 155.005) (Ord. 77-78, passed 10-2-1978)

**TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION REGULATIONS /
GENERALLY / § 155.006 SCHEDULE OF CONSTRUCTION AND SALE OF LOTS.**

§ 155.006 SCHEDULE OF CONSTRUCTION AND SALE OF LOTS.

No lot, tract, or parcel in a subdivision may be sold or negotiated to sell; no permit to erect, alter, or repair any building on land in a subdivision may be issued; and no building may be erected in a subdivision unless a final plat has been approved by the Planning Board and recorded with the County Clerk, and until the following construction and improvements have been completed:

(A) All sanitary sewer facilities installed, tested, certified and approved including but not limited to the following:

- (1) Sanitary main completed;
- (2) Sanitary sewer laterals completed;
- (3) Air pressure test;
- (4) Mandrel (30 days);
- (5) Manholes vacuumed;
- (6) Sanitary grade certification received;

(7) Any and all other sanitary sewer improvements included in and required by the approved construction drawings and recorded final plat of the subdivision.

(B) All water facilities installed, pressure and purity tested and approved including but not limited to:

- (1) Water main completed;
- (2) Water services completed;
- (3) Water pressure test;
- (4) Chlorine residual test;
- (5) Purification test Numbers 1 and 2;
- (6) Fire hydrants drained with valves left open;

(7) Any and all water facilities required and included in and required by the approved construction drawings and recorded final plat of the subdivision.

(C) All storm sewer and detention facilities installed and approved including but not

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limited to:

- (1) Storm sewer main completed;
 - (2) Storm sewer catch basins and manholes completed;
 - (3) Detention basins completed;
 - (4) Detention basins certified;
 - (5) Any and all other storm sewer and detention facilities included in and required by the approval construction drawings and recorded final plat of the subdivision.
- (D) All roadway facilities installed and improved including but not limited to:
- (1) Sub-grade checked;
 - (2) Base gravel installed;
 - (3) Compaction and curb grade checked;
 - (4) Curb and gutter completed;
 - (5) Base asphalt completed.
- (E) All other items listed on the approved construction drawings;
- (1) All traffic-control devices, including stop signs, end barricades and street signs.
 - (2) All sediment and erosion control devices in place;
 - (3) Certification that the grading plan is complied with;
 - (4) All iron pins set;
 - (5) Any and all off-site easements received;
 - (6) Any and all other improvements included in and required by the approved construction drawings and recorded final plat of the subdivision.

(1974 Code, § 155.006) (Ord. 77-78, passed 10-2-1978; Am. Ord. 17-97, passed 5-5-1997)

**TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION REGULATIONS /
GENERALLY / § 155.007 SCHEDULE OF IMPROVEMENTS.**

§ 155.007 SCHEDULE OF IMPROVEMENTS.

The subdivider of any tract or parcel of land located within the city shall not proceed with any construction work for a street, sanitary sewer, storm sewer water main (including grading thereof), or any other facilities in connection therewith until he or she has obtained conditional approval or final approval of his or her final plat by the Planning Board. No street construction or park development shall proceed until approval from the Planning Board has been given for subdivisions located outside of but within 3 miles of the corporate limits of the city. Such subdividers are encouraged to present all utility plans to the Planning Board prior to construction.

(1974 Code, § 155.007) (Ord. 77-78, passed 10-2-1978)

**TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION REGULATIONS /
GENERALLY / § 155.008 GENERAL RESPONSIBILITIES.**

§ 155.008 GENERAL RESPONSIBILITIES.

(A) *Subdivider and developer.* The subdivider shall prepare plats and plans consistent with the design standards; accomplish improvements consistent with the improvement requirements; and cooperate in the processing of plats and plans in accordance with these regulations.

(B) *Planning Board.* The Planning Board, or its duly authorized representative, is charged with the duty of making investigations and reports on the design and improvements of proposed subdivisions and developments and requiring conformance of such subdivisions and developments with the objectives, principles, and policies with the Comprehensive Plan for the city, the Ohio Revised Statutes, and these regulations. The Planning Board shall require such redesign of street patterns, lot layout, and such other information or plans as the circumstances may warrant as to ensure conformance to the aforementioned, with particular attention directed to achieving good traffic patterns, proper design and development of a particular area, and appropriate consideration of abutting development.

(C) *City Council.* Any street or other public ground which has been proposed for dedication shall not be accepted by the City Council until it has received recommendations from the Planning Board.

(1974 Code, § 155.008) (Ord. 77-78, passed 10-2-1978)

**TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION REGULATIONS /
GENERALLY / § 155.009 PLAT APPROVAL PROCEDURE GENERALLY.**

§ 155.009 PLAT APPROVAL PROCEDURE GENERALLY.

The following is a summary of approval procedures as specified in these regulations:

(A) Hold preapplication meeting between subdivider and Planning Board to discuss the criteria and standards of the regulations, the Comprehensive Plan, Major Thoroughfare Plan, Parks and Public Open Space Plan, zoning regulations, and utility service.

(B) Developer submits a preapplication sketch plan containing the information as required by § 155.021.

(C) Planning Board reviews preapplication sketch and advises developer.

(D) Developer submits an application for tentative approval of the preliminary plat as specified in §§ 155.023 through 155.026.

(E) Planning Board refers preliminary plat to interested governmental agencies.

(F) Governmental agencies review the preliminary plat using the Preliminary Plat Checklist, set forth in Appendix C, § 2, following this chapter, as well as pertinent items contained within the Technical Design and Improvement Checklist, Appendix C, § 6, following this chapter, and submit their comments to the Planning Board.

(G) Planning Board acts on preliminary plat.

(H) Developer modifies plat, prepares final improvement plans, installs improvements, or executes acceptable performance agreement.

(I) Developer submits an application for final plat approval and the final plat as specified in §§ 155.040 through 155.045.

(J) Planning Board refers final plat to interested governmental agencies.

(K) Governmental agencies review the final plat using the Final Plat Checklist, Appendix C, § 5, following this chapter, as well as pertinent items contained within the Technical Design and Improvement Checklist, Appendix C, § 6, and submit their comments to the Planning Board.

(L) Planning Board acts on final plat.

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(M) Council accepts improvements.

(N) Developer records plat.

(O) This procedure is displayed graphically in the chart found in Appendix A following this chapter.

(1974 Code, § 155.009) (Ord. 77-78, passed 10-2-1978)

TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION REGULATIONS / GENERALLY / § 155.010 DEFINITIONS.

§ 155.010 DEFINITIONS.

For the purpose of these regulations the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ALLEY. See ***THOROUGHFARE.***

BUILDING LINE. See ***SETBACK LINE.***

COMPREHENSIVE DEVELOPMENT PLAN. A plan, or any portion thereof, adopted by the Planning Board or the legislative authority of the city showing the general location and extent of present and proposed physical facilities including housing, industrial and commercial uses, major streets, parks, schools, and other community facilities. This plan establishes the goals, objectives, and policies of the community.

CORNER LOT. See ***LOT TYPES.***

COVENANT. A written promise or pledge.

CULVERT. A traverse drain that channels under a bridge, street, or driveway.

DEAD-END STREET. See ***THOROUGHFARE.***

DENSITY. A unit of measurement; the number of dwelling units per acre of land.

(1) ***GROSS DENSITY.*** The number of dwelling units per acre of land.

(2) ***NET DENSITY.*** The number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses.

DEVELOPER. Any individual, subdivider, firm, association, syndicate partnership, corporation, trust, or any other legal entity commencing proceedings under these regulations to

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effect a subdivision of land hereunder for himself or for another.

DWELLING UNIT. Space within a building comprising living, dining, or sleeping room or rooms and storage closets, as well as space and equipment for cooking, bathing, and toilet facilities, all used by only 1 family and its household employees.

EASEMENT. Authorization by a property owner for the use by another of any designated part of his or her property for a specified purpose.

ENGINEER. Any person registered to practice professional engineering by the State Board of Registration, as specified in R.C. § 4733.14.

HIGHWAY DIRECTOR. The Director of the Ohio Department of Transportation.

IMPROVEMENTS. Street pavement or resurfacing, curbs, gutters, sidewalks, water lines, sewer lines, storm drains, street lights, flood control and drainage facilities, utility lines, landscaping, and other related matters normally associated with the development of raw land into building sites.

LOCATION MAP. See **VICINITY MAP.**

LOT. A parcel of land of sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of:

- (1) A single lot or record;
- (2) A portion of a lot of record;
- (3) A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record.

LOT FRONTAGE. The front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under **YARDS** in this section.

LOT, MINIMUM AREA OF. The area of a lot is computed exclusive of any portion of the right-of-way of any public or private street.

LOT MEASUREMENTS. A lot shall be measured as follows:

- (1) Depth of a lot shall be considered to be the distance between the mid-points of straight lines connecting the foremost points of the side lot lines in front and the

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rearmost points of the side lot lines in the rear.

(2) Width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the building setback line, provided that the width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than 70% of the required lot width.

LOT OF RECORD. Any numbered lot recorded in the office of the County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

LOT SPLIT. The division of a parcel/lot or lot into two or more lots. The city shall require that the minor subdivision process be followed for any and all lot splits regardless of size, to create new inlot numbers for each lot, including transfer of property between adjacent property owners.

LOT TYPES. Terminology used in these regulations with reference to corner lots, interior lots, and through lots is as follows:

(1) **CORNER LOT.** A lot located at the intersection of 2 or more streets. A lot abutting on a curved street or streets shall be considered a **CORNER LOT** if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135°.

(2) **INTERIOR LOT.** A lot other than a corner lot with only 1 frontage on a street.

(3) **THROUGH LOT.** A lot other than a corner lot with frontage on more than 1 street. Through lots abutting 2 streets may be referred to as double frontage lots.

(4) **REVERSED FRONTAGE LOT.** A lot on which frontage is at right angles to the general pattern in the area. A **REVERSED FRONTAGE LOT** may also be a corner lot.

MAJOR THOROUGHFARE PLAN. The Comprehensive Plan adopted by the Planning Board indicating the general location recommended for arterial, collector, and local thoroughfares within the corporate limits of the city and unincorporated areas within 3 miles thereof.

MINOR SUBDIVISION. A division of a parcel of land that has the following characteristics:

(1) The proposed subdivision is located along an existing public road and involves no opening, widening, or extension of any street or road;

(2) No more than 5 lots are involved after the original parcel has been

completely subdivided.

MONUMENTS. Permanent concrete or iron markers used to establish definitely all lines of the plat of a subdivision, including all lot corners, boundary lines corners, and points of change in street alignment.

OPEN SPACE. An area open to the sky which may be on the same lot with a building. The area may include, along with the natural environmental features, swimming pools, tennis courts, and any other recreational facilities that the Planning Board deems permissive. Streets, structures for habitation, and the like shall not be included.

OUT LOT. Property shown on a subdivision plat outside of the boundaries of the land which is to be developed and which is to be excluded from the development of the subdivision.

PAD. A building site prepared by artificial means, including, but not limited to, grading, excavation, or filling, or any combination thereof.

PARKING SPACE, OFF-STREET. An area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room, but shall be located totally outside of any street or alley right-of-way.

PERFORMANCE BOND or SURETY BOND. An agreement by a subdivider or developer with the city for the amount of the estimated construction cost guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the subdivider's agreement.

PLANNED UNIT DEVELOPMENT. An area of land in which a variety of housing types or related commercial and industrial facilities are accommodated in a preplanned environment under more flexible standards, such as lot sizes and setbacks, than those restrictions that would normally apply under these regulations. The procedure for approval of such development contains requirements in addition to those of the standard subdivision, such as building design principles and landscaping plans.

PLAT. The map, drawing, or chart on which the developer's plan of subdivision (preliminary) is presented to the Planning Board for approval and, after such approval, to the County Recorder (final) for recording.

PUBLIC WAY. An alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway, right-of-way, road, sidewalk, street, subway, tunnel, viaduct, walk, or other way in which the general public or a public entity have a right or which are dedicated, whether improved or not.

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RIGHT-OF-WAY. A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting, and drainage facilities, and may include special features required by the topography or treatment, such as grade separation, landscaped areas, viaducts, and bridges.

SETBACK LINE. A line established by the subdivision regulations or zoning code, generally parallel with and measured from the lot line, defining the limits of the yard in which no building, other than an accessory building, or structure may be located aboveground, except as may be provided in said codes. (See **YARD**)

SEWERS. (CENTRAL or GROUP.) An approved sewage disposal system which provides a collection network and disposal system and central sewage treatment facility for a single development, community, or region.

SEWERS, ON-SITE. A septic tank or similar installation on an individual lot which utilizes an aerobic bacteriological process or equal satisfactory process for the elimination of sewage and provides for the proper and safe disposal of the effluent, subject to the approval of health and sanitation officials having jurisdiction.

SIDEWALK. That portion of the road right-of-way outside the roadway which is improved for the use of pedestrian traffic. (See **WALKWAY**)

SUBDIVIDER. See **DEVELOPER**.

SUBDIVISION.

(1) The division of any parcel of land, shown as a unit or as contiguous units on the last preceding tax roll, into 2 or more parcels, sites, or lots, any of which is less than 5 acres, for the purpose, whether immediate or future, of transfer of ownership, provided that the division or partition of land into parcels of more than 5 acres not involving any new streets or easements of access, and the sale or exchange of parcels between adjoining lot owners, where such sale or exchange does not create additional building sites, shall be exempted; or

(2) The improvement of 1 or more parcels of land for residential, commercial, or industrial structures or groups of structures involving the division or allocation of land for the opening, widening, or extending of any street or streets except private streets serving industrial structures; the division or allocation of land as open space for common use by owners, occupants, or lease holders, or as easements for the extension and maintenance of public sewer, water, storm drainage, or other public facilities. (See **MINOR SUBDIVISION**)

SURVEYOR. Any person registered to practice surveying.

THOROUGHFARE, STREET, or ROAD. The full width between property lines bounding every public way of whatever nature, with a part thereof to be used for vehicular traffic

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and designated as follows:

(1) **ALLEY.** A minor street used primarily for vehicular service access to the back or side of properties abutting on another street.

(2) **ARTERIAL STREET.** A general term denoting a highway primarily for through traffic, carrying heavy loads and large volume of traffic, usually on a continuous route.

(3) **COLLECTOR STREET.** A thoroughfare, whether within a residential, industrial, commercial, or other type of development, which primarily carries traffic from local streets to arterial streets, including the principal entrance and circulation routes within residential subdivisions.

(4) **CUL-DE-SAC.** A local street of relatively short length with 1 end open to traffic and the other end terminating in a vehicular turnaround.

(5) **DEAD-END STREET.** A street temporarily having only 1 outlet for vehicular traffic and intended to be extended or continued in the future.

(6) **LOCAL STREET.** A street primarily for providing access to residential, commercial, or other abutting property.

(7) **LOOP STREET.** A type of local street, each end of which terminates at an intersection with the same arterial or collector street, and whose principal radius points of the 180° system of turns are not more than 1,000 feet from the arterial or collector street, nor normally more than 600 feet from each other.

(8) **MARGINAL ACCESS STREET.** A local or collector street, parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets. (Also called **FRONTAGE STREET.**)

THROUGH LOT. See **LOT TYPES.**

VARIANCE. A modification of the strict terms of the relevant regulations where such modification will not be contrary to the public interest and, where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

VICINITY MAP. A drawing located on the plat which sets forth by dimensions or other means the relationship of the proposed subdivision or use to other nearby developments or landmarks and community facilities and services within the Tipp City area, in order to better locate and orient the area in question.

WALKWAY. A dedicated public way, 4 feet or more in width, for pedestrian use only,

whether along the side of a road or not.

WATERSHED. The drainage basin in which the subdivision drains or that land whose drainage is affected by the subdivision.

YARD. A required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from 3 feet above the general ground level of the graded lot upward, provided accessories, ornaments, and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility.

(1) **YARD, FRONT.** A yard extending between side lot lines across the front of a lot and from the front lot line to the front of the principal building.

(2) **YARD, REAR.** A yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the principal building.

(3) **YARD, SIDE.** A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.

(1974 Code, § 155.010) (Ord. 77-78, passed 10-2-1978; Am. Ord. 64-04, passed 12-6-2004)

TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION REGULATIONS / PRELIMINARY PLAT

PRELIMINARY PLAT

TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION REGULATIONS / PRELIMINARY PLAT / § 155.020 PREAPPLICATION MEETING.

§ 155.020 PREAPPLICATION MEETING.

The subdivider shall meet with the Planning Board or its designated representative prior to submitting the preliminary plat. The purpose of this meeting is to discuss early and informally the purpose and effect of these regulations and the criteria and standards contained therein; and to familiarize the developer with the Comprehensive Plan, the Major Thoroughfare Plan, the Parks and Public Open Space Plan, the zoning code, and the drainage, sewerage, and water systems for the city.

(1974 Code, § 155.020) (Ord. 77-78, passed 10-2-1978)

**TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION REGULATIONS /
PRELIMINARY PLAT / § 155.021 PREAPPLICATION SKETCH CONTENT.**

§ 155.021 PREAPPLICATION SKETCH CONTENT.

The subdivider shall submit to the Planning Board a sketch plan, legibly drawn at a suitable scale and containing the following information:

(A) The proposed subdivision in relation to existing community facilities, thoroughfares, and other transportation modes, shopping centers, manufacturing establishments, and residential developments.

(B) All existing structures, wooded areas, streams, general soil types, and any other significant physical features within the portion to be subdivided and within 200 feet thereof. If topographic conditions are significant, contours shall also be indicated at intervals of not more than 10 feet.

(C) The name, address, and phone number of the owner, developer, and engineer, as well as the names of all adjoining property owners as disclosed by the most recent municipal tax records.

(D) The scale and title of the subdivision, a north arrow, and the date.

(E) All existing restrictions on the use of the land including easements, covenants, and zoning district(s).

(F) The location of utilities serving the proposed subdivision, if available, or the locations of the nearest sources for water and public facilities for the disposal of sewage and storm water.

(G) The layout and acreage of streets, lots, and any nonresidential sites such as commercial, manufacturing, school, or recreational uses proposed.

(H) A statement declaring that all zoning requirements shall be met and proof of any variances or special exceptions which may have been granted.

(1974 Code, § 155.021) (Ord. 77-78, passed 10-2-1978)

Cross-reference:

Typical preapplication sketch, see Appendix B following this chapter

**TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION REGULATIONS /
PRELIMINARY PLAT / § 155.022 SUBMISSION TO STATE HIGHWAY DIRECTOR.**

§ 155.022 SUBMISSION TO STATE HIGHWAY DIRECTOR.

Before any plat is approved affecting any land within 300 feet of the centerline of a proposed new highway or a highway for which changes are proposed as described in the certification to local officials by the State Highway Director of any land within a radius of 500 feet from the point of intersection of said centerline with any public road or highway, the Planning Board shall give notice by registered or certified mail to the Highway Director. The Board shall not approve the affected portion of the subdivision for 60 days from the date the notice is received by the Highway Director. If the Highway Director notifies the Board that he or she shall proceed to acquire the land needed, then the Board shall refuse to approve the affected portion of the subdivision. If the Highway Director notifies the Board that acquisition at this time is not in the public interest or on the expiration of the 60-day period or any extension thereof agreed on by the Highway Director and the property owner, the Board shall, if the plat is in conformance with all provisions of these regulations, approve the plat.

(1974 Code, § 155.022) (Ord. 77-78, passed 10-2-1978)

**TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION REGULATIONS /
PRELIMINARY PLAT / § 155.023 APPLICATION FOR PRELIMINARY APPROVAL.**

§ 155.023 APPLICATION FOR PRELIMINARY APPROVAL.

After the preapplication stage, the subdivider shall submit an application on approved forms as shown in Appendix C following this chapter for the approval of the preliminary plat. The preliminary plat

shall be prepared by a qualified registered engineer or surveyor and shall comply with the requirements set forth in §§ 155.024 through 155.026.

(1974 Code, § 155.023) (Ord. 77-78, passed 10-2-1978)

**TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION REGULATIONS /
PRELIMINARY PLAT / § 155.024 PRELIMINARY PLAT FORM.**

§ 155.024 PRELIMINARY PLAT FORM.

The subdivider shall file with the Planning Board, or its duly authorized representative, 8 copies of the preliminary plat for review. Such plat shall be drawn at a scale not less than 100 feet to the inch and shall be on 1 or more sheets, not larger than 36 x 36 inches in size.

(1974 Code, § 155.024) (Ord. 77-78, passed 10-2-1978)

**TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION REGULATIONS /
PRELIMINARY PLAT / § 155.025 PRELIMINARY PLAT CONTENTS.**

§ 155.025 PRELIMINARY PLAT CONTENTS.

The preliminary plat shall contain the following information:

(A) Proposed name of the subdivision, which shall not duplicate or too closely approximate, phonetically or in spelling, the name of any other subdivision in Miami County.

(B) Property description which, in the opinion of the Planning Board, is sufficient to define the location and boundaries of the proposed subdivision or development.

(C) Names, addresses, and phone numbers of the owner, subdivider, professional engineer, and registered surveyor who prepared the plat, and appropriate registration numbers and seals.

(D) Date of survey.

(E) Scale of the plat and north point.

(F) Boundaries of the subdivision and its acreage.

(G) Existing contours at an interval of not greater than 2 feet if the slope of the ground is 15% or less; and not greater than 5 feet where the slope is more than 15%.

(H) The existing use or uses of the property and to scale, the outline of any existing buildings or improvements and their location in relation to existing or proposed street and lot line locations (addresses if available).

(I) Existing utilities on and adjacent to the subdivision: location, size, grade, and invert elevations of sanitary and storm sewers; location and size of water mains, including

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location of fire hydrants and valves; location of gas lines and power transmission poles and lines.

(J) Locations, right-of-way widths, and names of existing streets, other public ways and easements, dimensions of parks, permanent buildings, and corporation and township lines; location of wooded areas and other significant topographic and natural features within and adjacent to the plat for a minimum distance of 200 feet.

(K) The lot lines and subdivision names of adjacent subdivisions and the property lines, at least within 100 feet of the subdivision boundary, and the owners of record of all adjacent parcels that are unsubdivided. (For adjacent platted land, refer to subdivision plat by name, plat books, and pages.)

(L) Proposed streets: layout, names, right-of-way widths, approximate corner radii at the right-of-way line, approximate radius of each curve at the street centerline, and the approximate proposed grades of all streets.

(M) Location and dimensions of all proposed utility and sewer lines, showing their connections with the existing system.

(N) Other proposed rights-of-way or easements: location, width, and purpose.

(O) Layout, numbers, and approximate dimensions of each lot. When a lot is located on a curved street or when side lot lines are not at 90-degree, the width at the property line shall be shown.

(P) The approximate area of irregular lots shall be stated as well as the lot area of the smallest lot in the subdivision.

(Q) Building setback lines with dimensions.

(R) Proposed use of lots, giving type and number of dwelling units and type of business or industry.

(S) Parcels of land intended to be dedicated or temporarily reserved for public use or to be reserved by deed restriction or protective covenant for use of all property owners in the subdivision, or parcels of land or lots to be used for any purpose other than private shall be so dedicated.

(T) If the application covers only a part of the subdivider's entire holding, a map of the entire tract, drawn at a scale of not less than 400 feet to the inch, showing an outline of the platted area with its proposed street system, its grades and drainage in the remaining portion of the tract, and the probable future drainage layout of the entire tract shall be submitted. The part of the subdivider's entire holdings submitted shall be considered in relation to the entire holdings.

(U) For commercial and industrial development, the location, dimension, and

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approximate grade of proposed parking and loading areas, alleys, pedestrian walks, streets, and the points of vehicular ingress and egress to the development.

(V) Vicinity sketch map. A vicinity sketch map drawn at a scale of 1 inch to 1,000 feet or greater including the following information, if applicable, within at least ½ mile of the proposed subdivision:

- (1) Outline and location of proposed subdivision.
- (2) Boundary lines of all existing abutting subdivisions or developments.
- (3) Existing and proposed major streets as well as the most advantageous connections between the roads in the proposed subdivision and those of the neighboring areas.
- (4) The numbers and names of all tracts of land between the proposed subdivision and the nearest existing major thoroughfare.
- (5) Shopping facilities existing or proposed.
- (6) Existing and proposed schools.
- (7) Existing and proposed parks and playgrounds.
- (8) Any other significant features.

(1974 Code, § 155.025) (Ord. 77-78, passed 10-2-1978)

TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION REGULATIONS / PRELIMINARY PLAT / § 155.026 SUPPLEMENTARY INFORMATION.

§ 155.026 SUPPLEMENTARY INFORMATION.

The following information shall be supplied in addition to the requirements in § 155.025.

- (A) Two copies of a description of proposed deed restrictions or protective covenants.
- (B) Three copies of a description of soil conditions - surface and subsurface and whether suitable for the type development intended, as prepared by a registered civil engineer.
- (C) Two copies of a letter from the subdivider or developer stating that public water and sewer facilities will be provided prior to requesting a building permit.
- (D) Two copies of a letter (form letter to be furnished by the Planning Board, or its duly authorized representative) from the appropriate bodies who will provide public water and

sewer service.

(E) Two copies of any other information required by the Planning Board or its duly authorized representative.

(F) Preliminary plat fees shall be submitted in accordance with § 155.131.

(1974 Code, § 155.026) (Ord. 77-78, passed 10-2-1978)

**TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION REGULATIONS /
PRELIMINARY PLAT / § 155.027 FILING.**

§ 155.027 FILING.

The preliminary plan shall be considered officially filed and shall be so dated after it is examined by the Planning Board, or its duly authorized representative, and is found to be in full compliance with the formal submission requirements of these regulations.

(1974 Code, § 155.027) (Ord. 77-78, passed 10-2-1978)

**TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION REGULATIONS /
PRELIMINARY PLAT / § 155.028 PUBLIC HEARING.**

§ 155.028 PUBLIC HEARING.

The Planning Board, on its own initiative prior to acting on a preliminary plat of a subdivision, may hold a public hearing thereon at such time and on such notice as the Board may designate.

(1974 Code, § 155.028) (Ord. 77-78, passed 10-2-1978)

**TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION REGULATIONS /
PRELIMINARY PLAT / § 155.029 PROCESSING OF THE PRELIMINARY PLAT.**

§ 155.029 PROCESSING OF THE PRELIMINARY PLAT.

(A) The preliminary plat, the application, and all other required information shall be checked by the Planning Board, or its duly authorized representative, as to the requirements of

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the preliminary plat as stated in §§ 155.024 and 155.026; the requirements of the zoning code; and any other pertinent sections of these regulations. Within 3 consecutive working days after the filing date of the preliminary plat, the Planning Board, or its duly authorized representative, shall transmit the designated items to pertinent city departments and other agencies for review and comment. These shall include at least the City Manager's Office, the City Engineer, Miami County Health Department, and all affected utilities.

(B) The city departments and other pertinent agencies shall be encouraged to forward their written comments to the Planning Board, or its duly authorized representative, within 10 consecutive calendar days from receipt of same.

(1974 Code, § 155.029) (Ord. 77-78, passed 10-2-1978)

**TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION REGULATIONS /
PRELIMINARY PLAT / § 155.030 PLANNING BOARD ACTION.**

§ 155.030 PLANNING BOARD ACTION.

(A) The Board, or its duly authorized representative, shall review the preliminary plat, including determination of its conformance to the requirements of these regulations, and shall consider the recommendations or comments of all city departments or other agencies, and the Board shall then either approve the plat; approve the plat subject to conditions; or disapprove the plat within 60 consecutive calendar days from the date of receipt, unless such time is extended by agreement between the Planning Board, or its duly authorized representative, and the subdivider or developer. If the Board finds that the preliminary plat does not meet the requirements of these regulations, it shall either disapprove the plat or conditionally approve the plat, subject to modification, within said time period. Approval of the preliminary plat by the Board does not constitute approval of the subdivision, but is merely an authorization to proceed with the preparation of the final plat.

(B) In the event of disapproval or conditional approval of the preliminary plat, a statement in writing by the Planning Board, or its duly authorized representative, setting forth the reasons for disapproval or the conditions of approval, shall be made to the subdivider or developer.

(1974 Code, § 155.030) (Ord. 77-78, passed 10-2-1978)

**TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION REGULATIONS /
PRELIMINARY PLAT / § 155.031 APPROVAL PERIOD.**

§ 155.031 APPROVAL PERIOD.

(A) Approval or conditional approval of a preliminary plat shall be valid for a period of 60 consecutive calendar months, with automatic renewals of 36 consecutive calendar months.

(B) Such approval, within the stated time period, shall guarantee that the terms under which the approval was granted will not be affected by changes to these regulations.

(1974 Code, § 155.031) (Ord. 77-78, passed 10-2-1978; Am. Ord. 02-05, passed 1-18-2004)

TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION REGULATIONS / FINAL PLAT

FINAL PLAT

TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION REGULATIONS / FINAL PLAT / § 155.040 SUBMISSION OF THE FINAL PLAT.

§ 155.040 SUBMISSION OF THE FINAL PLAT.

The final plat shall not be submitted together with the preliminary plat of the same land. The final plat shall be submitted only after the preliminary plat has been approved, or conditionally approved subject to modifications, by the Planning Board. The final plat shall conform to the approved or conditionally approved preliminary plat, and shall include all changes, additions, deletions, or approvals as may be required on conditional approval by the Board.

(1974 Code, § 155.040) (Ord. 77-78, passed 10-2-1978)

TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION REGULATIONS / FINAL PLAT / § 155.041 APPLICATION FOR FINAL APPROVAL.

§ 155.041 APPLICATION FOR FINAL APPROVAL.

Within 12 consecutive calendar months after the approval or conditional approval of the

preliminary plat, the subdivider shall submit an application on approved forms as shown in Appendix C following this chapter for the approval of the final plat. Otherwise, preliminary plat approval will be considered void unless an extension is requested by the developer and granted in writing by the Planning Board. The final plat shall be prepared by a qualified registered engineer or surveyor and shall comply with the requirements set forth in §§ 155.042 through 155.044. The final plat shall contain only that portion of the approved or conditionally approved preliminary plat which the subdivider or developer wishes to have approved, recorded, and developed at that time.

(1974 Code, § 155.041) (Ord. 77-78, passed 10-2-1978)

TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION REGULATIONS / FINAL PLAT / § 155.042 FINAL PLAT FORM.

§ 155.042 FINAL PLAT FORM.

(A) The final plat drawings and specifications of improvements shall consist of a set of construction and utility plans prepared by a registered professional engineer licensed to practice in the State of Ohio. The plans shall include typical sections, plans and profile views, construction details, and estimates of quantities. All typical sections and major engineering details to be used on any particular street shall be approved in advance by the City Engineer before completion of the plans.

(B) The final plat shall be legibly drawn in waterproof ink on tracing cloth or other material of equal permanence. It shall be drawn at a scale not less than 100 feet to the inch, and shall be on 1 or more sheets 18 x 24 inches in size. If more than 1 sheet is needed, each sheet shall be numbered, and the relation of 1 sheet to another clearly shown.

(C) Where necessary, the final plat may be on several sheets accompanied by an index showing the entire subdivision. The particular number of the sheet, the total number of sheets, and the relation of each adjoining sheet shall be clearly shown by a small key map on each sheet. Each sheet of said plat shall show the date of the survey, north point, and scale, written and graphic. The final plat shall contain a key map showing the location of the subdivision with relation to at least 1 east-west and 1 north-south major arterial street.

(1974 Code, § 155.042) (Ord. 77-78, passed 10-2-1978)

Cross-reference:

Typical final subdivision plat illustration, see Appendix B

TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION REGULATIONS / FINAL PLAT / § 155.043 FINAL PLAT CONTENTS.

§ 155.043 FINAL PLAT CONTENTS.

The final plat shall contain the following information:

(A) Name of the subdivision; location by section, range, and township, or by other survey number; date; north point; scale; acreage to hundredths of acre; and deed book and page reference.

(B) Names, addresses, and phone numbers of the owner, subdivider, and professional engineer and registered surveyor who prepared the plat, and appropriate registration numbers and seals.

(C) Plat boundaries, based on accurate traverse, with angular and linear dimensions. All dimensions, both linear and angular, shall be determined by an accurate control survey in the field which must balance and close within the limit of 1 foot in 10,000 feet. The boundary shall be surveyed with distance accurate to hundredths of a foot and bearing accurate to 20 seconds.

(D) Total site data, including acreage, number of lots, lot sizes (showing area of smallest lot in square feet), and number of square feet or acres in parks and other public uses.

(E) Bearings and distances to nearest established street lines or other recognized permanent monuments.

(F) Exact location, rights-of-way, and names of all streets within and adjoining the plat, and building setback lines.

(G) Radii, internal angles, points of curvature, tangent bearings, and lengths of arcs of all applicable streets within the plat area.

(H) Location or statement of adequate outlet for storm sewers, as approved by the City Engineer.

(I) All easements for public services or utilities shall be shown by a fine dashed line and clearly labeled and identified on the plat. If the easement is being dedicated by the plat, it shall be properly set out in the owner's certification of dedication. If an easement shown on the plat is already of record, its recorded reference must be given. In regard to easements, the plat shall bear the following statement: "Easements shown on this plat are for the construction, operation, maintenance, repair, replacement, or removal of water, gas, sewer, electric, telephone or other utilities or services, and for the express privilege of removing any and all trees or other

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obstructions to the free use of said utilities, and for providing ingress and egress to the property for said purposes, and are to be maintained as such forever."

(J) Flood hazard information. Elevation and flood profiles shall be shown on the final plat if required, as determined by § 155.077.

(K) All permanent monuments set or to be set shall be shown as follows on the final plat:

(1) The location of all monuments placed in making the survey, and if any points were reset, that fact shall be stated and attached to the final plat for recording.

(2) Iron pin monuments shall be set at all PC and PT points as well as at all lot corners. The exact location of all such monuments shall be shown on the final plat before approval is requested.

(3) Any monument, as required by these regulations, that is disturbed or destroyed before acceptance of all improvements shall be replaced by the subdivider or developer.

(L) Certification, acknowledgments, and descriptions. The following certificates, acknowledgments, and descriptions shall appear on the title sheet of the final plat. Such certificates may be combined when appropriate.

(1) *Certificate by parties holding title.* A notarized certificate shall be signed and acknowledged by all parties having any title of interest in the land subdivided consenting to the preparation and recording of said plat, provided that the signature of parties owning the following types of interest may be omitted if their names and nature of their interest are set forth on the plat.

(2) *Dedication certificates.* A notarized certificate shall be signed and acknowledged as required in § 155.081 offering for dedication all parcels of land shown on the final plat and intended for public dedication, except those parcels other than streets which are intended for the exclusive use of the lot owners in the subdivision or development, their licensees, visitors, tenants, and servants. This certification shall also show that there are no unpaid taxes or special assessments against the land contained in the plat.

(3) *Certificate and guarantee of clear title.* The final plat shall be accompanied by a statement prepared by a duly authorized title company stating that the signatures of all persons whose consent is necessary to the preparation and recording of said plat and to the dedication of the streets and other public places are clearly shown on the plat.

(4) *Surveyor's certificates.* A notarized certificate shall be signed by a registered land surveyor stating that he or she is responsible for the survey and that the final plat

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accurately depicts the subdivision and the survey. The signature of such surveyor must be accompanied by his or her seal and registration number.

(5) *Legal description of property.* The legal description shall be an accurate reflection of the boundary survey. Each reference in such description to any tract, development, or subdivision shall show a complete reference to records of Miami County, Ohio. The description shall also include reference to any vacated area with the book and page number of the instrument of vacation.

(6) *Ohio affidavits.* The title sheet shall contain such other affidavits, certificates, acknowledgments, endorsements, and notarial seals as are required by law and by these regulations.

(7) *Certificate of approval by the City Engineer.* A certificate of approval by the City Engineer, including a statement that required improvements have been satisfactorily installed or adequate financial guarantees have been provided.

(8) *Certification from Clerk of Council.* If a zoning change is involved, certification from the Clerk of Council indicating that the change has been approved and is in effect.

(1974 Code, § 155.043) (Ord. 77-78, passed 10-2-1978)

TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION REGULATIONS / FINAL PLAT / § 155.044 SUPPLEMENTARY INFORMATION.

§ 155.044 SUPPLEMENTARY INFORMATION.

The following information in designated quantities shall be provided at the time of final plat filing:

(A) Two copies of an application for final plat approval. (See § 155.043)

(B) Two copies of traverse calculations resulting from an accurate and complete boundary survey and a closed traverse along the centerline of each street within the subdivision. Traverse calculations, when computed from field measurements on the ground, shall close with an error of closure not to exceed 1 foot in 10,000 feet. The boundary shall be surveyed with distance accurate to hundredths of a foot and bearing accurate to 20 seconds.

(C) Improvement drawings and plans. Drawings showing cross sections, profiles, construction details, and specifications for all required improvements shall be prepared by a registered civil engineer in conformance with the provisions in §§ 155.095 through 155.118,

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other pertinent sections of these regulations and Subdivision Design and Construction Standards.

- (1) Five copies of the sanitary sewerage system plans. (See § 155.098)
- (2) Five copies of the water systems plan. (See § 155.099)
- (3) Three copies of the street plans and profiles, plus three sets of pavement design computations. (See § 155.100)
- (D) Two sets of drainage reports, including computations. (See § 155.096)
- (E) Three sets of plans for the control of erosion and sedimentation. (See § 155.108)
- (F) Two copies of all deed restrictions or protective covenants, either placed directly on the final plat or attached thereto in form for recording. If recorded separately, reference to the restriction shall be made on the final plat.

(1974 Code, § 155.044) (Ord. 77-78, passed 10-2-1978)

TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION REGULATIONS / FINAL PLAT / § 155.045 FILING.

§ 155.045 FILING.

The subdivider or developer shall submit to the Planning Board, or its duly authorized representative, the original final plat drawing and 10 copies of the

final plat (2 of which shall be retained by the Board) prepared in accordance with § 155.042 at least 15 working days prior to the next regular meeting of the Planning Board. At this time, the following material shall also be filed with the Board, or its duly authorized representative:

(A) *Application for final plat approval.* An application (provided by the Board) shall be submitted in duplicate. (See § 155.043) At the time of submission, the Board, or its duly authorized representative, shall indicate on the application the date of submission and the signature of the Board's representative, and retain 1 copy.

(B) *Traverse sheets.* Two copies of traverse calculations shall be furnished as described in § 155.043(C). The Planning Board, or its duly authorized representative, shall retain 1 copy.

(C) *Improvement drawings and plans.* The Planning Board, or its duly authorized representative, shall retain 1 copy of each of the following items.

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- (1) Five copies of the sanitary sewerage system plans and profiles.
- (2) Five copies of the water system plans and profiles.
- (3) Three copies of the street plans and profiles.

(D) *Drainage report including drainage study and computations.* Two sets of drainage reports including computations. The Planning Board, or its duly authorized representative, shall retain 1 copy.

(E) *Plans for the control of erosion and sedimentation.* Three sets of plans for the control of erosion and sedimentation. The Planning Board, or its duly authorized representative, shall retain 1 copy.

(F) *Deed restrictions or protective covenants.* Two copies of all deed restrictions and protective covenants. The Planning Board, or its duly authorized representative, shall retain 1 copy.

(G) *Final plat fees.* Final plat fees shall be submitted in accordance with § 155.131.

(H) *Surety bond.* Surety bond contract, letter of credit, or land escrow agreement (whichever is applicable), and other requirements of § 155.117.

(1974 Code, § 155.045) (Ord. 77-78, passed 10-2-1978)

TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION REGULATIONS / FINAL PLAT / § 155.046 PROCESSING OF THE FINAL PLAT.

§ 155.046 PROCESSING OF THE FINAL PLAT.

The final plat, the application, and all other required information shall be checked by the Planning Board, or its duly authorized representative, as to the requirements of the final plat as stated in §§ 155.043 through 155.045 and any other pertinent sections of these regulations. The filing date shall be considered as the date on which compliance is made with all requirements of final plats. Within 3 consecutive working days after the filing date of the final plat, the Planning Board, or its duly authorized representative, shall transmit the designated items to pertinent city departments and other agencies for review and comment. These shall include at least the City Manager's Office, the City Engineer, the Miami County Health Department, and all affected utilities. The city departments and other pertinent agencies shall be encouraged to forward their written comments to the Planning Board, or its duly authorized representative, within 10 consecutive calendar days from receipt of same.

(1974 Code, § 115.046) (Ord. 77-78, passed 10-2-1978)

TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION REGULATIONS / FINAL PLAT / § 155.047 PLANNING BOARD ACTION.

§ 155.047 PLANNING BOARD ACTION.

The Planning Board, or its duly authorized representative, shall review the final plat, the improvement drawings and plans, and all other pertinent information, including a determination of conformance to the requirements of these regulations, and shall consider the recommendations or comments of all city departments or other agencies. The Board shall take action on the final plat within 60 consecutive calendar days after its submission or a mutually agreed on extension with the subdivider or developer, otherwise the plat shall be deemed to have been approved by the Planning Board. One of the following actions shall be taken by the Board:

(A) *Final approval.* The Planning Board, with approval of the City Council, may give final approval before all required improvements are installed, provided that a construction agreement and a bond, escrow agreement, or letter of credit, acceptable to the city's Legal Counsel and the Planning Board, or its duly authorized representative, are provided for the purpose of assuring installation of such improvements, in case the subdivider or developer is unable to install the required improvements, based on an estimate by the Planning Board or its duly authorized representative. (See § 155.117) On determination that all the requirements of these regulations have been met, the Planning Board may give final approval and shall indicate such approval and date on the original drawing of the final plat.

(B) *Disapproval.* Should the Planning Board decide to disapprove the final plat, written notice of such action, including reference to the regulation or regulations violated by the plat or the reasons for disapproval, shall be mailed to the subdivider or developer. The action shall be entered on the official records of the Planning Board.

(1974 Code, § 155.047) (Ord. 77-78, passed 10-2-1978)

TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION REGULATIONS / FINAL PLAT / § 155.048 EFFECT OF APPROVAL.

§ 155.048 EFFECT OF APPROVAL.

Final approval of a plat by the Planning Board shall not be an acceptance by the public of the offer of dedication of any street, or other public ways or open space on the final plat unless

such acceptance is endorsed by the City Council or other appropriate public body on the original drawing of the final plat. No final plat shall be recorded until all areas offered for public uses have been accepted by the City Council or other appropriate public body.

(1974 Code, § 155.048) (Ord. 77-78, passed 10-2-1978)

TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION REGULATIONS / FINAL PLAT / § 155.049 DISPOSITION OF APPROVED PLAT.

§ 155.049 DISPOSITION OF APPROVED PLAT.

(A) After approval of the original drawing of the final plat by the Planning Board, such final plat shall be transmitted to the City Council or other appropriate public body for necessary acceptance of all public dedications, after which the final plat shall be returned to the Planning Board or its duly authorized representative.

(B) Prior to the recording of the approved final plat, the Planning Board, or its duly authorized representative, shall cause to have made at the expense of the subdivider or developer 5 copies of the final plat (1 copy of which shall be retained by the Planning Board).

(C) One copy of the final plat shall be transmitted to each of the following agencies and city departments: the City Council, the City Engineer, the Miami County Health Department, and other applicable city and county departments and agencies affected by the subdivision. (Additional copies of the final plat may be required for this purpose.)

(D) In the event the final plat is disapproved, the original drawing shall be returned to the subdivider or developer accompanied by a letter from the Planning Board, or its duly authorized representative, stating the action taken and the reasons for disapproval of the final plat.

(1974 Code, § 155.049) (Ord. 77-78, passed 10-2-1978)

TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION REGULATIONS / FINAL PLAT / § 155.050 RECORDING.

§ 155.050 RECORDING.

After approval of the final plat and after acceptance of all land to be dedicated on the plat by the City Council or other appropriate public bodies, the original tracing shall be returned to

the subdivider for filing with the County Recorder. The plat shall be filed within 60 days after date of final approval and after all necessary certifications have been noted thereon. The developer shall also furnish to the Planning Board one 11 x 14 inches positive photostat of the plat and 1 reproducible tracing on linen or similar material.

(1974 Code, § 155.050) (Ord. 77-78, passed 10-2-1978)

TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION REGULATIONS / FINAL PLAT / § 155.051 WITHDRAWAL OR MODIFICATION.

§ 155.051 WITHDRAWAL OR MODIFICATION.

Before approval of the final plat, the submitted plat may be withdrawn or modified. If modified, the review process shall be repeated. Modification of the plat shall automatically require the proper fee. The recording fee shall be refunded or credited to the modified plat as determined by the Planning Board or its duly authorized representative. In case of withdrawal, the filing fee shall not be refunded.

(1974 Code, § 155.051) (Ord. 77-78, passed 10-2-1978)

TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION REGULATIONS / FINAL PLAT / § 155.052 MODIFICATION OF IMPROVEMENT DRAWINGS.

§ 155.052 MODIFICATION OF IMPROVEMENT DRAWINGS.

If during the course of construction any changes or modifications are encountered that are not in conformance with the original approved improvement drawings, the developer or subdivider shall submit the modified improvement drawings (which have now become as-built drawings) to the Planning Board, or its duly authorized representative, who, if in agreement with such modifications, shall affix his or her signature to these drawings indicating approval of the modifications.

(1974 Code, § 155.052) (Ord. 77-78, passed 10-2-1978)

TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION REGULATIONS / FINAL PLAT / § 155.053 SUBMISSION OF AS-BUILT IMPROVEMENT DRAWINGS.

§ 155.053 SUBMISSION OF AS-BUILT IMPROVEMENT DRAWINGS.

(A) After all improvements have been installed to the satisfaction of the Planning Board, or its duly authorized representative, the subdivider or developer shall submit to the Planning Board, or its duly authorized representative, the original and 5 copies of as-built improvement drawings (showing how all improvements were actually installed).

(B) The original drawing and 1 copy of the as- built improvement drawings shall be retained by the Planning Board, and the Board, or its duly authorized representative, shall transmit 1 copy of the as-built drawing to the City Engineer and other applicable city and county departments and agencies affected by the subdivision.

(1974 Code, § 155.053) (Ord. 77-78, passed 10-2-1978)

TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION REGULATIONS / FINAL PLAT / § 155.054 ACCEPTANCE OF IMPROVEMENTS FOR MAINTENANCE.

§ 155.054 ACCEPTANCE OF IMPROVEMENTS FOR MAINTENANCE.

After all improvements have been installed in accordance with the construction agreement and these regulations and the subdivider or developer has complied with § 155.053, the City Council may accept the improvements for maintenance.

(1974 Code, § 155.054) (Ord. 77-78, passed 10-2-1978)

TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION REGULATIONS / FINAL PLAT / § 155.055 TRANSFER BETWEEN ADJACENT PROPERTY OWNERS.

§ 155.055 TRANSFER BETWEEN ADJACENT PROPERTY OWNERS.

The transfer between adjacent property owners shall follow the following process and include the following information:

(A) The property owner shall submit a written request to transfer property from one adjacent property owner to another adjacent property owner on the forms prescribed by the city.

(B) The property owner shall submit a Lot Survey, acceptable to the Miami County

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Engineer's Office, showing this proposed transfer and a written metes and bounds description of the tract. The lot survey shall include an approval block which shall state: "This lot survey was approved by motion by the City of Tipp City Planning Board on the __ day of _____," including signature lines for the Planning Board Chairperson and Secretary.

(C) The description of the survey shall include the statement: "The +/- __ acre tract is a non-buildable lot, and shall be combined with the adjacent lot through a subsequent minor subdivision plat/replat".

(D) If the Planning Board approves this transfer between adjoining property owners, the property owner seeking the transfer shall also be required to submit and complete the minor subdivision plat/replat process (see §§ 155.056 to 155.059) at the same meeting that the transfer between adjoining property owners is considered by the Planning Board. If the minor subdivision plat/replat process is not completed and/or approved, the transfer between adjoining property owners shall be void.

(E) This process shall create 2 new lots of record, which shall eliminate the old property lines that existed prior to the transfer of adjacent property owners and the required subsequent minor subdivision plat/replat. Each new inlot shall be assigned a new inlot number.

(F) The city may require the addition of easements and/or setbacks as part of the transfer process and/or subsequent minor subdivision plat/replat.

(Ord. 38-02, passed 11-04-2002)

TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION REGULATIONS / FINAL PLAT / § 155.056 ESTABLISHING A MINOR SUBDIVISION.

§ 155.056 ESTABLISHING A MINOR SUBDIVISION.

(A) On written request by the subdivider or developer, a subdivision may be deemed a minor subdivision by the Planning Board when it meets all of the following requirements:

(1) The proposed subdivision is located along an existing public road and involves no opening, widening, or extension of any street or road;

(2) No more than 5 lots are involved after the original parcel has been completely subdivided;

(3) The proposed subdivision is not contrary to applicable subdivision or zoning regulations;

(4) The property has been surveyed and a sketch and legal description of the

property is submitted with the application.

(5) The city shall require that the minor subdivision process be followed for any and all lot splits regardless of size, subdivisions, and/or lot surveys, regardless of size (creating multiple lots). The Miami County Engineer shall not allow for the recording of plats and/or lot surveys (creating multiple lots), unless the Planning Board approves the plat in accordance with this code, and new inlot numbers are assigned.

(B) In his or her request for approval of a minor subdivision, the subdivider or developer may suggest that requirements for specific preliminary information be waived. The Planning Board, or its duly authorized representative, may, at its discretion, waive the requirements for that preliminary information which it considers unnecessary. The subdivider may then submit only that information required by the Planning Board, or its duly authorized representative, to initiate processing of the subdivision.

(1974 Code, § 155.055) (Ord. 77-78, passed 10-2-1978; Am. Ord. 64-04, passed 12-6-2004)

TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION REGULATIONS / FINAL PLAT / § 155.057 MINOR SUBDIVISION PLAT INFORMATION REQUIRED.

§ 155.057 MINOR SUBDIVISION PLAT INFORMATION REQUIRED.

Six copies of the plat shall be required. The minor subdivision plat shall be clearly and legibly drawn in India ink on tracing cloth or similar material such as mylar. The size of the plat shall be 12 x 18 inches and shall include the following information:

(A) *Identification.*

(1) Proposed name of the subdivision (except single lots). The name shall not duplicate, be the same in spelling, or like in pronunciation with any other recorded subdivision.

(2) Location by section, town, and range, township, county, and state.

(3) Name and address of the subdivider, owner, and surveyor, and certification by a registered

professional surveyor to the effect that the plat represents a survey; that all monuments indicated thereon actually exist, and their location, size, and material are correctly shown; and that all requirements of these subdivision regulations have been complied with.

(4) Date, north point, and graphic scale (1 inch to 100 feet minimum scale).

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(5) Site data, including acreage and number of lots.

(6) Plat restrictions or covenants, if any.

(B) *Delineation of existing conditions.*

(1) Boundary lines, lot lines, and identification of adjacent tracts of subdivided and unsubdivided land, indicating property ownership of all unplatted tracts, including landowners on the opposite side of the street or road.

(2) All existing streets, alleys, or roads within or adjacent to the proposed plat, including names, right-of-way widths, and pavement widths.

(3) Location of all railroad and utility rights-of-way, easements, parks and other open spaces, and section or corporate lines within or adjacent to the proposed plat.

(4) Soil type.

(5) Location of all watercourses and high water elevations in the vicinity of rivers, lakes, and marshes, and location of rock outcroppings, wooded areas, isolated preservable trees, and other conditions affecting plat design.

(C) *Delineation of proposed development.*

(1) Boundary line of the proposed plat indicated by a heavy solid line with linear and angular dimensions. Description of boundary lines by metes and bounds.

(2) Right-of-way widths for proposed easements.

(3) Layout of proposed lots including lot lines, lot numbers, and dimensions of each lot.

(4) Proposed minimum setback lines and the stipulation of those lines in the plat restrictions.

(5) A copy of such covenants or deed restrictions as are intended to cover all or part of the tract.

(6) All on-site sanitation and water supply facilities shall be designed to meet the minimum specification of the State Department of Health, and a note to this effect shall be stated on the plat and signed by a licensed engineer.

(1974 Code, § 155.056) (Ord. 77-78, passed 10-2-1978)

TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION REGULATIONS / FINAL PLAT / § 155.058 PROCESSING A MINOR SUBDIVISION.

§ 155.058 PROCESSING A MINOR SUBDIVISION.

(A) The subdivider shall submit to the Planning Board, or its duly authorized representative, 1 original drawing of the final plat and 3 copies (1 copy of which shall be retained by the Board), prepared in accordance with §§ 155.040 through 155.059 at least 15 working days prior to the next regular meeting of the Planning Board. The Planning Board, or its duly authorized representative, shall check the final plat as to its sufficiency of information for review. As in the submission of a preliminary plat of the minor subdivision, the Planning Board may waive those requirements for information which it considers unnecessary.

(B) Within 2 consecutive working days after the filing of the final plat, the Planning Board, or its duly authorized representative, shall transmit 1 copy each of the plat for review and comment to the City Engineer, the Miami County Health Department, and other applicable city and county departments and agencies affected by the subdivision. Comments by any of the aforementioned city departments or other agencies shall be in writing to the Planning Board, or its duly authorized representative, within 5 consecutive calendar days from date of receipt of same.

(1974 Code, § 155.057) (Ord. 77-78, passed 10-2-1978)

TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION REGULATIONS / FINAL PLAT / § 155.059 PLANNING BOARD ACTION ON MINOR SUBDIVISIONS.

§ 155.059 PLANNING BOARD ACTION ON MINOR SUBDIVISIONS.

(A) The Planning Board, or its duly authorized representative, shall review the final plat and all other pertinent information, including a determination of conformance to the requirements of these regulations and the recommendations or comments of all city departments or agencies, and shall take action on the final plat within 7 consecutive calendar days after its submission or a mutually agreed on extension with the subdivider; otherwise the plat shall be deemed to have been approved by the Planning Board.

(B) If found satisfactory, the Planning Board, or its duly authorized representative, shall approve the subdivision and indicate such approval and date on the original drawing of the final plat. Recording or modification of the final plat shall be as specified in § 155.050.

(C) Prior to the recording of the approved final plat, the Planning Board, or its duly authorized representative, shall cause to have made at the expense of the subdivider or developer 3 copies of the approved final plat, 1 copy of which shall be retained by the Planning Board, and

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1 copy each shall be transmitted to the City Council and the City Engineer.

(D) In the event the final plat is disapproved, the original drawing of the final plat shall be returned to the subdivider accompanied by a letter from the Planning Board, or its duly authorized representative, stating the action taken and the reasons for disapproval of the final plat.

(1974 Code, § 155.058) (Ord. 77-78, passed 10-2-1978)

Cross-reference:

Final Plat Checklist, see Appendix C

TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION REGULATIONS / DESIGN STANDARDS AND PRINCIPLES

DESIGN STANDARDS AND PRINCIPLES

TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION REGULATIONS / DESIGN STANDARDS AND PRINCIPLES / § 155.070 GENERAL STATEMENT.

§ 155.070 GENERAL STATEMENT.

All subdivision plats shall comply with the following laws, rules, and regulations:

- (A) All applicable provisions of the Ohio Statutes.
- (B) City building and housing codes.
- (C) Rules and regulations set forth by the County Health Department, Ohio State Board of Health, and the Ohio Environmental Protection Agency.
- (D) Rules of the Ohio State Highway Department if the subdivision abuts or is within 500 feet of a state highway.
- (E) The standards and regulations adopted by the County Engineer and all boards, commissioners, agencies, and officials of the county if the subdivision is located within the unincorporated area of Miami County.
- (F) In addition to the aforementioned requirements, the Planning Board shall be guided by the principles, policies, and standards set forth hereinafter in considering applications

for subdivision of land.

(1974 Code, § 155.060) (Ord. 77-78, passed 10-2-1978)

TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION REGULATIONS / DESIGN STANDARDS AND PRINCIPLES / § 155.071 SUITABILITY OF LAND.

§ 155.071 SUITABILITY OF LAND.

Land shall not be developed which the Planning Board finds to be unsuitable for subdivision or development due to flooding, improper drainage, rock formations, adverse soil characteristics or topography, inadequate utilities or transportation facilities, or other such conditions which will reasonably be harmful to the safety, health, and general welfare of inhabitants of the land and surrounding area; and if, from investigation conducted by the public agencies concerned, it is determined that in the best interest of the public the land should not be developed for the purpose proposed, unless adequate methods are formulated by the developer and approved by the Planning Board, on recommendation by the City Engineer, to solve the problem created by the unsuitable land conditions.

(1974 Code, § 155.061) (Ord. 77-78, passed 10-2-1978)

TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION REGULATIONS / DESIGN STANDARDS AND PRINCIPLES / § 155.072 CONFORMITY TO ZONING AND DEVELOPMENT PLANS.

§ 155.072 CONFORMITY TO ZONING AND DEVELOPMENT PLANS.

Subdivision proposals shall conform to the principles and standards contained within the zoning code as well as be in general conformity with the recommended land use patterns, principles, and policies contained within the City Development Plan and amendments thereto.

(1974 Code, § 155.062) (Ord. 77-78, passed 10-2-1978)

Cross-reference:

Zoning Code, Ch. 154

TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION REGULATIONS / DESIGN STANDARDS AND PRINCIPLES / § 155.073 SPECIFICATIONS FOR REQUIRED

IMPROVEMENTS.

§ 155.073 SPECIFICATIONS FOR REQUIRED IMPROVEMENTS.

All required improvements shall be constructed or installed to conform to the specifications contained within Subdivision Design and Construction Standards as administered by the City Engineer.

(1974 Code, § 155.063) (Ord. 77-78, passed 10-2-1978)

TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION REGULATIONS / DESIGN STANDARDS AND PRINCIPLES / § 155.074 STREETS.

§ 155.074 STREETS.

(A) *Conformity to Thoroughfare Plan or Official Map.* Whenever a tract of land to be subdivided or resubdivided includes any part of a proposed arterial or collector street as designated on the Thoroughfare Plan or the Official Map, such street right-of-way shall be platted by the subdivider in the location so designated and at the width indicated in these regulations.

(B) *Street classification and function.*

(1) *Thoroughfares (major) and expressways.* Thoroughfares should be planned for continuation of movement of fast traffic between points of heavy traffic generation and from 1 section of the community or communities to another. Such streets should traverse the entire community or communities and should be spaced approximately 1 mile apart. Thoroughfares should not bisect neighborhoods but should act as boundaries between them. Abutting properties should not face into the roadway unless separated from it by a frontage or service road.

(2) *Secondary streets.* Secondary streets should be designed to provide a traffic route from collector streets to thoroughfares. These streets should be designed to connect neighboring areas.

(3) *Collector streets.* Collector streets should be designed to provide a traffic route from minor streets to secondary streets. These streets should be designed to carry traffic which has an origin or destination within the neighborhood and should be designed to inhibit through traffic.

(4) *Minor.* Minor streets shall provide direct and full access to each lot and

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shall be laid out so that their use by through traffic will be discouraged. Minor streets should not intersect thoroughfares.

(5) *Alleys.* Where alleys are necessary (e.g., in the case of certain commercial developments), they shall be designed to provide only secondary access.

(C) *Street extension.*

(1) *Existing street.* The arrangement of streets in new subdivisions shall make provisions for the proper continuation of existing streets in adjoining areas.

(2) *Adjacent property.* Where adjoining areas are not subdivided and are appropriate for future subdivision, the arrangement of streets in new subdivisions shall make provision for the proper projection of streets to that adjoining area in a manner which shall provide for the practical development of the adjacent property, permit a feasible extension of the street, and be in general conformity with a plan for the most advantageous development of the entire neighborhood.

(3) *Half streets.* Dedication of ½ of the rights-of-way (half streets) for streets proposed along the boundaries by land to be subdivided shall be prohibited. Where a dedicated or platted half street exists adjacent to the tract being subdivided, the other half shall be platted.

(D) *Relation to topography.* The street plan of a proposed subdivision shall bear a logical relationship to the topography of the property, and all streets shall be arranged so as to obtain as many of the building sites as possible at or above the grade of the streets. Grades of streets shall conform as nearly as possible to the original topography.

(E) *Street rights-of-way.*

(1) *Widths and grades of new streets.* Street right-of way widths and grades shall conform to the following minimum requirements:

TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION REGULATIONS / DESIGN STANDARDS AND PRINCIPLES / TABLE I STREET RIGHTS-OF-WAY WIDTH AND GRADE REQUIREMENTS

TABLE I
STREET RIGHTS-OF-WAY
WIDTH AND GRADE REQUIREMENTS

<i>Type of</i>	<i>Minimum</i>	<i>Grades %</i>
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<i>Street</i>	<i>R/W (feet)</i>		
		<i>Maximum</i>	<i>Minimum</i>
Expressway	120	6	0.4
Thoroughfare (Major)	80	7	0.4
Secondary	60	7	0.4
Collector	60	7	0.4
Minor	50	8	0.4
Cul-de-sac/low- density residential	50	8	0.4
Alley	20	4	0.4

(2) *Existing streets.* Subdivisions platted along existing streets shall dedicate additional right-of-way, if necessary, to meet the minimum street width requirements set forth in (E) (1) above. Such dedication shall be in accordance with the following:

(a) At least the minimum right-of-way width shall be dedicated where the subdivision is on both sides of an existing street.

(b) When the subdivision is located on only 1 side of an existing street, ½ of the required width, measured from the centerline of the right-of-way, shall be dedicated. However, in no case shall the owner or owners of such property be forced to dedicate from their land more than ½ of the required rights-of-way width.

(F) *Curves and sight distance criteria.*

(1) *Horizontal curve.* Where there is a change in the alignment of a street along the centerline, a curve with a radius adequate to ensure safe sight distance shall be made. The minimum radii of curves shall be:

<i>Street Type</i>	<i>Minimum Curve Radius (feet)</i>
Arterial Thoroughfare	400
Secondary	300
Collector	250
Minor	100

(2) *Sight distance.* A minimum sight distance of 200 feet shall be provided for minor streets; 275 feet for collector streets; 350 feet for secondary streets; and 450 feet for thoroughfares.

(3) *Reverse curves.* A tangent of at least 50 feet shall be provided between reverse curves for minor streets; 100 feet for collector streets; 200 feet for secondary streets; and 300 feet for thoroughfares.

(4) *Vertical curves.* The minimum vertical curve length required shall be calculated by multiplying the algebraic difference in grades, times

a "K" factor. Rounded "K" factors for the three street classification types are as follows:

(a) *Local.* K=15 for both crest and sag curves.

(b) *Collector.* K=15 for both crest and sag curves.

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(c) *Arterial.* K=20 for both crest and sag curves.

(G) *Intersections.*

(1) *Angle of intersection.* The centerline of all streets shall intersect as nearly at a 90 degree angle as possible, but in no case shall the angle of intersection be less than 75 degrees or greater than 105 degrees.

(2) *Centerline offset of adjacent intersections.* The use of 4-way type intersections shall be discouraged where possible and the use of T- intersections shall be encouraged. Where T- intersections are used, the following minimum centerline offsets of adjacent intersections shall be as follows:

<i>Type of Street</i>	<i>Minimum Centerline Offset of Adjacent Intersections in Feet</i>
Local - Local	150
Local - Collector	150
Collector - Arterial	200
Arterial - Thoroughfare	200

(3) *Corner radii.* Property lines at street intersections shall be provided with a radius of not less than 15 feet. If, because of certain exceptional conditions, a modification is granted permitting an angle of intersection less than 75 degrees or greater than 105 degrees, then the minimum radii shall be increased or decreased respectively.

(4) *Grades approaching intersections.* Grades approaching intersections should not exceed 4% for a distance of not less than 100 feet from the centerline of said intersections for minor streets, and

150 feet for collector streets. Low points which would result in water ponding or poor visibility shall not be permitted.

(5) Thoroughfares and secondary streets should not be intersected by minor streets.

(6) Design adjacent to freeways, expressways, or thoroughfares. The following principles and standards shall be used in the design of subdivisions adjacent to freeways, expressways, or thoroughfares:

(a) Street design shall have the purpose of making adjacent lots desirable by cushioning the impact of heavy traffic, and of minimizing the interference with traffic on such thoroughfares.

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(b) The number of intersections with secondary streets along said thoroughfares shall be held to a minimum. Wherever practicable such intersections shall be spaced not less than 1/4 mile apart. Frontage or service roads shall be encouraged.

(c) Frontage roads, if required, shall conform to the standards specified in these regulations. Frontage roads shall enter thoroughfares by means of bulb-type intersections capable of stacking a minimum of 4 cars on the frontage road intersection.

(d) Where frontage roads are not required, residential lots adjacent to such thoroughfares shall be served by a local residential street paralleling said thoroughfare at a generous lot depth therefrom or by a series of cul-de-sacs or loop streets extending towards said thoroughfare from a collector street.

(e) When the rear of any lot borders any such thoroughfare, the subdivider or developer may be required to execute and deliver to the city an instrument, deemed sufficient by the city's Legal Counsel, prohibiting the right of ingress and egress from said thoroughfare to said lot. This may be in the form of a deed for a 1-foot strip for non-road purposes.

(H) *Special street types.* The following requirements shall apply to special street types:

(1) Permanent dead-end streets shall not be permitted unless in compliance with the provisions contained in (H) (3) below. Temporary dead-end streets shall be permitted only as part of a continuing street plan, and only if a temporary turnaround, satisfactory to the Board in design, is provided, and provisions for maintenance and removal are advanced. Temporary dead-end streets longer than 200 feet shall not be permitted.

(2) Alleys shall not be approved in residential subdivisions except where justified by extreme conditions. Alleys may be required in commercial and industrial districts if other provisions cannot be made for adequate service access. The minimum widths for alleys shall be 20 feet for the right-of-way and 12 feet for the pavement width.

(3) (a) Cul-de-sacs and dead-end streets. Permanent dead-end streets shall not be longer than 600 feet, unless local topographic or other physical conditions are such as to render these provisions impracticable, and shall be provided with a turning circle having an outside pavement diameter (curb face to curb face) of at least 80 feet and a street property line diameter of at least 100 feet. If such street is of a temporary nature and a further extension into adjacent land is anticipated, then said turning circle beyond normal street width shall be in the nature of a dedication of the premises included in the turning circle, but beyond the boundaries of the street proper. Such dedications may be vacated to abutting property owners when said dead-end street is legally extended into adjacent land. If such dead-end street extends only one lot depth past a street intersection, no temporary turning circle will be required.

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(b) In the case of dead-end streets extending to the boundary of the property, a 1-foot strip, the width of the street right-of-way, shall be dedicated to the city for non-road purposes.

(4) Streets for commercial subdivisions. Streets serving business developments and accessory parking areas shall be planned to connect with thoroughfares so as not to generate traffic on local streets. The intersections of driveways from parking areas with thoroughfares or collector streets shall be located so as to cause the least possible interference with traffic movement on the streets, and shall be located not less than 100 feet from the intersection of a thoroughfare or collector street with any other street, and shall be spaced not less than 200 feet from each other. The Board may require marginal-access streets to provide maximum safety and convenience.

(5) Streets for industrial subdivisions. Collector streets for industrial subdivisions shall be planned to serve industrial areas exclusively and connect with thoroughfares so that no industrial traffic will be directed into any residential streets. The intersections of service streets from parking areas with thoroughfares or collector streets shall not be less than 100 feet from the intersection of the thoroughfare or collector street with any other street. Streets shall be planned to be extended to the boundaries of any adjoining land planned for industry.

(6) New private streets, alleys, or ways shall not be created or extended, except as provided in § 155.079(B) herein, and existing private streets, alleys, or ways shall be brought into the plan for the area, if at all feasible.

(7) Reserve strips controlling the access to streets or other public rights-of-way shall not be approved unless such strips are deemed necessary for the protection of the public welfare as determined by the Planning Board or its duly authorized representative.

(I) *Street names.*

(1) *Duplication.* The name of a new street shall not duplicate existing or platted names in the Tipp City Posted Delivery Zone, or approximate such names in spelling, sound, or pronunciation, or by the use of alternate suffixes such as "Lane", "Way", "Drive", "Court", "Avenue", or "Street".

(2) *Continuation of streets.* New street names shall bear the same name of any continuation of, or when in alignment with, an existing or platted street.

(3) *Approval of street names.* All street names shall be approved by the Planning Board, or its duly authorized representative, before approval of the final plat.

(J) *Alleys.*

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(1) Alleys shall be prohibited in residential zoning districts.

(2) In commercial and industrial areas, adequate alleys shall be provided where needed. Alleys shall not serve as part of the required off-street parking or loading or unloading space required by the zoning code.

(1974 Code, § 155.064) (Ord. 77-78, passed 10-2-1978)

TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION REGULATIONS / DESIGN STANDARDS AND PRINCIPLES / § 155.075 EASEMENTS.

§ 155.075 EASEMENTS.

(A) *Utility easements.* Public utility easements at least 10 feet in total width may be required along the rear and sides of lots where needed for the accommodation of a public utility, drainage or sanitary structures, or any combination of the foregoing. Where deemed necessary by the Planning Board, an additional easement width shall be provided.

(B) *Watercourses.* The subdivider shall dedicate rights-of-way or provide easements for storm drainage purposes which conform substantially with the lines of any natural watercourses, channels, streams, or creeks which traverse the subdivision, or for any new channel which is established to substitute for a natural watercourse, channel, stream, or creek. Such rights-of-way or easements shall be of a width which will provide for the maintenance needs of the channel and incidental structures as determined by the Planning Board. Such watercourses shall be maintained by adjacent property owners or a property owners association.

(1974 Code, § 155.065) (Ord. 77-78, passed 10-2-1978)

TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION REGULATIONS / DESIGN STANDARDS AND PRINCIPLES / § 155.076 PHYSICAL CONSIDERATIONS.

§ 155.076 PHYSICAL CONSIDERATIONS.

Subdivisions should be planned to take advantage of the topography of the land, to economize in the construction of drainage facilities, to reduce the amount of danger, to minimize destruction of trees and topsoil, and to preserve such natural features as watercourses, unusual rock formations, large trees, sites for historical significance, and other assets which, if preserved, will add attractiveness and value to the subdivision and the community.

(1974 Code, § 155.066) (Ord. 77-78, passed 10-2-1978)

TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION REGULATIONS / DESIGN STANDARDS AND PRINCIPLES / § 155.077 FLOOD HAZARDS.

§ 155.077 FLOOD HAZARDS.

(A) *Prohibition of development in areas susceptible to flooding.* Land subject to flooding or otherwise uninhabitable shall not be platted for residential use or for any other use which may increase the danger of health, life, or property, or aggravate erosion or flood hazards. Such land within the subdivision shall be set aside on the plat for such uses as will not be endangered by periodic or occasional inundation, or will not result in conditions contrary to the public welfare (e.g., use as open space, extensive recreation use, conservation purposes). To ensure that lots will be located on land where they will provide flood-free sites, the Planning Board, or its duly authorized representative, may require the subdivider to provide elevation and flood profiles sufficient to demonstrate that the sites will be free from the danger of flooding. Fill may be used in flood-danger areas to render lots habitable if such fill does not inhibit the flow of the waters and thereby unduly increase flood heights in other areas, and such fill meets with the approval of the Planning Board, or its duly authorized representative. Such information shall be prepared by a registered civil engineer.

(B) *Stream easement.* If a stream flows through or adjacent to the proposed subdivision, the plat shall provide for a storm water easement or drainage right-of-way along the stream for a floodway of at least 10 feet. For the smaller streams, the plat shall provide for channel improvement to enable them to carry all reasonable floods within banks. The floodway easement shall be wide enough to provide for future enlargement of the stream channels as adjacent areas become more highly developed and runoff rates are increased.

(C) *Streets.* Approval shall not be given for streets within a subdivision which would be subject to inundation or flooding. All streets must be located at elevations which will make them flood-free in order that no portion of the subdivision would become isolated by floods.

(1974 Code, § 155.067) (Ord. 77-78, passed 10-2-1978)

Cross-reference:

Flood Damage Prevention, see Chapter 153

Flood Hazard Overlay District, see § 154.058

TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION REGULATIONS / DESIGN

STANDARDS AND PRINCIPLES / § 155.078 BLOCKS.

§ 155.078 BLOCKS.

(A) *Arrangement.* The arrangement of blocks shall be such as to provide for convenient access, circulation, control, and safety of street traffic as set forth in § 155.074, and shall be arranged to accommodate lots and building sites of the size and character required for the district as set forth in these subdivision regulations and the zoning code, as well as provision for required community facilities. Blocks intended to be used for commercial or industrial purposes shall be designed specifically for such uses with adequate space set aside for off-street parking and loading or unloading facilities as required by the zoning code. Irregularly shaped blocks, those intended for cul-de-sacs or loop streets, and those containing interior parks or playgrounds may be approved by the Board if properly designed and located, and if the maintenance of interior public spaces is covered by agreements.

(B) *Length.* Blocks should not exceed 1,200 feet or be less than 600 feet in length.

(C) *Width.* The width of blocks should ordinarily be sufficient to accommodate 2 tiers of lots with rear easement as required, except for double frontage lots as permitted in § 155.079, or where unusual topography or other exceptional physical circumstances exist.

(1974 Code, § 155.068) (Ord. 77-78, passed 10-2-1978)

TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION REGULATIONS / DESIGN STANDARDS AND PRINCIPLES / § 155.079 LOTS.

§ 155.079 LOTS.

(A) *Arrangement and design.* Lot arrangement and design shall be such that all lots will provide satisfactory building sites, properly related to topography and the character of surrounding development.

(B) *Lot size.* All lots shall conform to or exceed the requirements of these subdivision regulations and the zoning district requirements for the district in which they are intended. Each lot shall front onto a publicly owned street, other than an alley, unless otherwise allowed by action of the Planning Board and ordinance or resolution of City Council. In such consideration by Planning Board and Council, both bodies shall consider and base their respective action on the following:

- (1) Proposed private streets should be restricted to serve no more than a

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limited number of dwelling units.

(2) Proposed private streets should be reserved for areas of unique natural characteristics which would be disproportionately damaged by conventional width streets.

(3) Dead end private streets should not extend beyond a maximum length of 600 feet.

(4) Proposed private streets should have no less than 16 feet of pavement, with additional width required where deemed necessary in the interest of safety. Such pavement shall meet current city standards.

(5) Maintenance agreements shall be submitted for review and approval of sufficiency by the Planning Board prior to final approval.

(6) A deed restriction should be provided, so that any time dedication of a private street is requested, the private street is to be brought up to city standards at the property owners expense.

(7) The plat contemplating a private street shall provide that all utilities be placed in easements dedicated to the city.

(C) *Lot frontage and width.*

(1) *Thoroughfare frontage.* No access onto a thoroughfare shall be permitted from abutting properties, except as provided for in § 155.074 (B) (4).

(2) *Lot width.* The lot width at the minimum building setback line shall not be less than that specified by the zoning district requirements for the district in which the lot is located, except for lots containing 5 acres or over, which shall not be less than 300 feet in width at any location. Such lots should be of such shape and dimensions as to render possible the resubdivision of any such parcels at some later date into lots and streets which meet the requirements of these regulations.

(3) *Corner lots.* Corner lots shall have extra width to permit conformance to the setback line on the side street. In no case shall a corner lot be so narrow that minimum zoning requirements of the zoning code cannot be met.

(4) *Double frontage lots.* Lots shall not be laid out so that they have frontage onto more than 1 street except when the lots are adjacent to the intersection of 2 streets or when the rear of the lot faces a thoroughfare, freeway, expressway, or railroad right-of-way, and the front of the lot faces onto a local residential street.

(D) *Lot depth.*

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(1) *Conformance to zoning code.* Each lot shall be of such a depth that front yard and rear yard requirements of the zoning code, plus a reasonable building site, shall be provided.

(2) *Maximum depth.* The maximum depth of a lot shall not be greater than 3 times the width of the lot, except lots of 5 acres or more.

(3) *Extra depth and width in certain cases.* Fifty feet of additional lot depth may be required where a residential lot in a subdivision backs up to a railroad right-of-way, a high-pressure gasoline or gas line, a thoroughfare, an industrial area or other existing land use which may have a detrimental effect on the residential use of the property, and where no street is provided at the rear of such lot. Where a residential lot has its side lot line adjacent to any of the aforementioned, an appropriate additional width may also be required.

(E) *Usable lots.*

(1) *Building lots.* All subdivisions shall result in the creation of lots which are capable of being developed and built on. No subdivision shall create lots which are impractical to improve due to steepness of terrain, dangerous soil conditions, locations of watercourses, or other natural physical limitations.

(2) *Strips or parcels.* No remnants of property shall be left which do not conform to lot requirements, or which are not required for a private or public utility purpose, or which are not accepted by the city or any other appropriate public body for an appropriate use.

(3) *Side lot lines.* The side lot lines of all lots shall, so far as practicable, be at right angles to the street which the lot faces, or radial to the center or curvature if such street is curved. In the case of a cul-de-sac on which the lot faces, side lot lines shall be as nearly radial to the center or curvature of the cul-de-sac as practicable.

(F) *Large lots.* When land is subdivided into very large parcels, they should be of such shape and dimensions as to render possible the resubdivision of any such parcels at some later date into lots and streets which meet the requirements of these regulations and the zoning code.

(G) *Lot division.* No lot shall be divided by a city or county boundary line.

(H) *Yard requirement.* Yard requirements for lots within a subdivision shall conform to the yard requirements set forth in the zoning code for the zoning district in which they are located.

(1974 Code, § 155.069) (Ord. 77-78, passed 10-2-1978; Am. Ord. 43-80, passed 8-4-1980)

TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION REGULATIONS / DESIGN

STANDARDS AND PRINCIPLES / § 155.080 PEDESTRIAN WAYS.

§ 155.080 PEDESTRIAN WAYS.

(A) *Location.* Pedestrian ways at least 10 feet in width may be required by the Planning Board, or its duly authorized representative, as follows:

- (1) Near the center and entirely across the block for blocks which are over 900 feet in length;
- (2) To connect dead-end streets; or
- (3) To provide access to parks, schools, shopping centers, or similar facilities.

(B) *Grade.* No pedestrian way shall exceed a 15% grade unless steps of an acceptable design, as determined by the Planning Board, or its duly authorized representative, are to be constructed.

(1974 Code, § 155.070) (Ord. 77-78, passed 10-2-1978)

TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION REGULATIONS / DESIGN STANDARDS AND PRINCIPLES / § 155.081 PARK AND RECREATIONAL FACILITIES.

§ 155.081 PARK AND RECREATIONAL FACILITIES.

(A) *Obligation of subdividers and others developing land for residential purposes.* Every person who subdivides or develops land for residential purposes shall, at the time of final approval of the subdivision plat or site plan, agree to dedicate a portion of such land, pay a proportionate fee or some equitable combination of dedication and fee, and pay a park development fee based on the value of the required dedication, all in accordance with the standards and other provisions as set forth in these regulations, for the purpose of providing park and recreational facilities to serve future residents of such subdivisions or residential development.

(B) *Application.* The provisions of this requirement shall apply to all subdivisions or resubdivisions of land as this phrase is defined in § 155.010, and to all residential developments for which a site plan must be submitted as specified in the zoning code. The provisions of this requirement shall not apply to preliminary plats or site plans submitted prior to the effective date of this regulation.

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(C) *Local park, recreation, and open space standards.*

(1) *Relationship to the Comprehensive Plan.* The Comprehensive Plan for the development of the city shall provide general guidance for the location of parks and open space facilities needed by the city.

(2) *Site standards.* A standard of at least 5 acres of land for local park, recreational, and open space purposes for each 1,000 persons residing in the city shall apply. Such local park lands may include such areas as neighborhood tot lots, play lots, playgrounds, and parks; community playfields and parks; and local open areas.

(D) *Determination of total population.*

(1) *Population factor.* For the purposes of these regulations, a population factor for each dwelling planned for a subdivision or development shall be determined as follows (these figures are subject to periodic review to ensure that they reflect the most current available figures for the local area):

<i>Number of Bedrooms</i>	<i>Population Factor</i>
Single-family dwellings	
1	1.75
2	2.50
3	3.25
4	4.00
Each additional bedroom in excess of 4	1.00
Multi-family dwellings	
1	1.50
2	2.25
3	3.00
Each additional bedroom in excess of 3	.75
Mobile Homes	
Each mobile home space	2.25

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(2) *Total population.* Total population for any subdivision or development shall equal the sum of the population factors of all dwellings to be included in the subdivision or development. For the purposes of these regulations the Planning Board shall determine the number and types of dwellings to be included in any subdivision or development on the basis of such relevant information as it may have or be able to obtain tending to show the same, including, without limitation, any plans, estimates, or statements of intention furnished by the subdivider or developer concerned relating to the proposed improvement of the subdivision or development, the nature and topography of the land involved, and the nature and kind of improvements actually planned or probable thereon.

(E) *Choice of land or fee.*

(1) *Determination by Planning Board.* The Planning Board shall determine whether a subdivider or developer shall dedicate land, pay a fee-in-lieu of land dedication, or provide a combination of land dedication and fee payment.

(2) *Procedure.* In making the determination referred to in (E) (1) above, the following procedure shall apply:

(a) *Filings.* At the time of filing a preliminary plat map or development plan for approval, each subdivider or developer shall, as a part of such filing, indicate whether he or she desires to dedicate land for park and recreational purposes, to pay a fee-in-lieu of dedication, or to meet the requirements of these regulations by a combination of land dedication and fee payment. If such subdivider or developer plans to dedicate land, he or she shall indicate the area he or she desires to dedicate on the preliminary plat map or development plan.

(b) *Planning Board determination.* After the Planning Board has reviewed such preliminary plat maps and development plans, it shall determine whether the plans of the subdivider or developer to dedicate land, pay a fee-in-lieu of dedication, or provide a combination of dedication and fee payment are acceptable. The Planning Board shall make the determination so required within 30 days of each submission pursuant to (E) (1) or (2) hereof, unless the subdivider or developer agrees in writing on an extended period for such determination. If the Planning Board fails to make a determination within said 30-day period, or within any agreed extension period, such submission shall be deemed to be approved. Insofar as practicable, the determination of the Planning Board shall be compatible with the Parks and Recreation Plan.

(c) *Minimum dedication.* Notwithstanding any other provisions of these regulations, no dedication of land shall be required and a fee-in-lieu of dedication shall be paid in the event the amount of dedication required by these regulations would be less than 1 acre, except in the event the land so dedicated could be added to the adjoining, contiguous land area of an existing park or recreational facility. This consideration shall not be construed to

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prohibit the voluntary dedication of lands by subdividers and developers in addition to the requirements imposed by these regulations.

(d) *Adverse effects of development; reclamation.* If, in the opinion of the Planning Board, any portion of land proposed for dedication has been or will be adversely affected by the operations of a subdivider or developer, and such land or portion thereof will require reclamation in order to render it suitable as a park or recreational facility planned therefor, the Planning Board may require the subdivider or developer to furnish a plan for such reclamation. The Board shall seek the advice of the City Engineer with respect to any such plan, and shall determine, on the basis of such advice, whether such plan is acceptable in view of the purpose of these regulations. In the event such plan is acceptable, the subdivider or developer concerned shall implement such plan within a reasonable time. If the subdivider or developer fails to implement such reclamation plan prior to approval of the final development plan or subdivision plan, the Board may, without prejudicing any rights the city may have at law or in equity, withhold approval of the final development or subdivision until such reclamation has begun.

(e) *Criteria.* In making its determination, the Planning Board shall utilize the following criteria:

1. *Unity.* Dedicated land must form a single parcel of land, except in the event the Board determines that 2 or more parcels would be in the best public interest.

2. *Shape and topography.* The shape of the dedicated parcel of land must be sufficiently geometric to be usable for recreational activities such as softball, tennis, football, and other active recreational pursuits. In addition, steep slopes, streams, lakes, watercourses, and flood plains may constitute a maximum 40% of the dedicated land, and a minimum 60% of the recreational land requirement shall be suitable for dry ground recreational use. In this latter regard, 50% of the dry ground recreation area shall not exceed 3% grade, and the remaining dry ground recreation area shall not exceed 5% grade; provided that this requirement may be waived, in whole or in part, if the Planning Board determines that the recreational needs of any subdivision are adequately met by other dedicated parcels or existing recreational facilities; and provided further that this requirement may be waived, in whole or in part, if the Board determines that, although certain land areas to be dedicated are not usable for dry ground recreational use, such areas are of unique natural beauty or environmental or historic value.

3. *Location.* Dedicated land must be centrally located in order to serve the recreation and open space needs of the subdivision or development for which the dedication was made. The recreation land in a subdivision or development must be located so that it is reasonably accessible from all dwelling units within the subdivision.

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4. *Access.* Public access and maintenance access to the dedicated land shall be provided by adjoining street frontage equal to the full width of each dedicated parcel or 400 feet, whichever is less, or by a public easement of equal size, allowing access to the dedicated parcel or parcels.

5. *Preservation of natural beauty.* In all instances, natural features of scenic

beauty such as trees, plant life, brooks and other watercourses, topography, historic locations, views, and similar conditions which, if preserved, will add attractiveness and value to the dedicated land, shall be considered and preserved in the dedication of open space and parks and recreation areas.

(F) *Amount of land to be dedicated.* The amount of land to be dedicated by a subdivider or developer pursuant to these regulations shall be determined in accordance with the following formula:

$$\begin{array}{ccccccc} & & & \text{Total population as} & & & \\ & & & \text{determined in} & & & \\ \text{Acres of} & & & \text{accordance with} & & & \\ \text{land for} & & & \text{(D) above} & \times & & 0 \\ \text{dedication} & = & & & & & \end{array}$$

(G) *Fee-in-lieu of dedication.*

(1) *Amount of fee-in-lieu.* In the event the Planning Board determines that a subdivider or developer must pay a fee-in-lieu of land dedication, the amount of such fee shall be determined by the following formula:

$$\begin{array}{ccccccc} & & & \text{Land area that} & & & \\ & & & \text{would} & & & \\ & & & \text{otherwise be} & & & \\ & & & \text{required to be} & & & \\ & & & \text{dedicated} & & & \\ \text{Fee-in-lieu} & & & \text{pursuant to (F)} & & \text{Fair Market} & \\ \text{of land} & & & \text{above} & \times & \text{Value} & \\ \text{dedication} & = & & & & & \end{array}$$

(2) *Determination of fair market value.* Fair market value shall be determined in accordance with (I) below.

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(H) *Park development fee.*

(1) *Amount of development fee.* In addition to the dedication of land, payment of a fee-in-lieu of dedication, or a combination of dedication and fee payment, each subdivider and developer shall be required to pay a park development fee. The amount of the park development fee shall be equal to 1/3 of the total fair market value of land required to be dedicated with respect to any subdivision or development in accordance with (F) above.

(2) *Determination of fair market value.* Fair market value shall be determined in accordance with (I) below.

(3) *Credit for voluntary dedication.* In the event a subdivider or developer dedicates land in addition to the land required to be dedicated pursuant to (F) above subject to the approval of the Planning Board, such subdivider or developer shall receive a credit against the amount of the development fee otherwise required by (H)(1) above equal to an amount up to a maximum of 1/3 of the fair market value of such additional land to be dedicated.

(I) *Determination of fair market value.* For the purposes of these regulations, fair market value shall be determined as follows:

(1) *Time for determination.* Fair market value shall be determined as of the time of filing the final plat map or final development plan with the Planning Board.

(2) *Method of value determination.* Fair market value shall equal the average value per acre of all land in each subdivision or development in its raw, undeveloped state, determined by application of one of the following procedures:

(a) By agreement between the subdivider or developer and the Planning Board; or

(b) In the event the subdivider or developer and the Planning Board cannot agree, by determination of the Board on the basis of assessed value for property tax purposes of all land in the subdivision or development, modified to equal market value in accordance with current assessment practices, and divided by the total number of acres within the subdivision or development; or

(c) In the event the subdivider or developer objects to the valuation method set forth in (I) (2) above, by a qualified independent appraiser approved by the Planning Board; or

(d) In the event the subdivider or developer objects to all of the foregoing methods of valuation, by a 3-member board of appraisers, 1 of whom shall be appointed by the Planning Board, 1 of whom shall be appointed by the subdivider or developer, and 1 of whom shall be selected by the 2 appraisers so appointed. The decision of a majority of

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such body shall be final.

(J) *Credit for private open space.*

(1) *Allowance of credit.* In the event a subdivider or developer provides private open space for park and recreational purposes and such space is to be privately owned and maintained by the future residents of the subdivision or development, or by the subdivider or developer, and in the event the Planning Board determines that such private open space adequately fulfills the park and recreation needs of the proposed subdivision or development, the fair market value of such areas shall be credited against the land dedication and park development fee requirements of these regulations.

(2) *Maximum credit.* Such credit, however, shall be allowed only up to a maximum of 2/3 of the total required land dedication or fee-in-lieu requirement, and up to a maximum of 2/3 of the total required park development fee.

(3) *Standards and limitations.* Notwithstanding (J)(1) and (2) above, the credit for private open space shall be allowed only if the following standards are met:

(a) Yards, court areas, setbacks, and other such open areas required to be maintained by the zoning code shall not be included in the computation of such private open space;

(b) Private ownership, development, and maintenance of the open space shall be assured by valid and enforceable undertakings on the part of the subdivider or developer, or otherwise;

(c) The use of the private open space is restricted for park and recreation purposes by recorded covenants that run with the land in favor of the future owners of property within the subdivision or development, and which cannot by their terms be defeated or eliminated without the consent of the Planning Board;

(d) The proposed private open space is reasonably adaptable for park and recreational uses, taking into consideration such factors as size, shape, topography, geology, access, and location of the private open space land; and

(e) Facilities proposed for the private open space are reasonably compatible with those required by the Parks and Recreation Plan.

(K) *Reduction of minimum lot size and frontage requirements.*

(1) *Land dedication only.* In the event a subdivider or developer elects to fulfill the land dedication requirements of these regulations solely by dedicating land for park and recreational use, and such action is approved by the Planning Board as provided in (F) above, the minimum lot area standards and frontage requirements applicable to such subdivision or

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development as provided in the zoning code may be reduced at the request of the subdivider or developer by 10% and 6.2% respectively; provided that, in the event a lot size and frontage reduction pursuant to this subsection enables a subdivider or developer to erect additional dwellings, a fee-in-lieu of land dedication in an amount determined in accordance with the provisions of (G) above shall be required with respect to the additional population that would be generated by each proposed additional dwelling, as determined in accordance with (D) above.

(2) *Land dedication and fee-in-lieu.* If the subdivider or developer elects to fulfill the requirements of these regulations only in part through the dedication of park land, and the Planning Board approves such action, the minimum lot area standards and frontage requirements applicable to such subdivision or development may be reduced by a proportionate percentage amount of the respective 10% and 6.2% factors provided by (K) (1) above, determined by comparing the actual amount of dedicated land to the total land dedication requirement.

(3) *Additional voluntary land dedication.* In the event a subdivider or developer wishes to dedicate land for park and recreational use in addition to the dedication and fee-in-lieu requirements of these regulations, subject to the approval of the Planning Board, such subdivider or developer may reduce the minimum lot area requirements and frontage requirements applicable to such subdivision or development by subtracting the additional land area to be dedicated for park and recreational use from the land area to which the minimum lot area requirement would otherwise be applied; provided that no such voluntary dedication shall result in a reduction of the minimum lot area requirement greater than 10% or a proportionate reduction in frontage requirements in excess of 6.2%, in addition to the reduction allowed pursuant to (K) (1) above; and provided further that no such additional reduction in minimum lot area requirements shall result in the erection of additional dwellings.

(L) *Treatment of land to be dedicated; procedure for the dedication of land and payment of fees.*

(1) Following approval of a preliminary plat map or development plan which designates land for dedication, the existing vegetation (except growing commercial crops other than growing timber), topography, features of historic value, stream courses, soil, rock strata, and other natural features of such dedicated land shall not be altered or their condition adversely affected in any way without the consent of the Planning Board.

(2) Dedication of land to the city shall be by a general warranty deed conveying to the city, and its successors and assigns, good and marketable title to the real estate described in such deed, free and clear of all liens and encumbrances. This deed shall be executed and delivered to the County Recorder for recording prior to the approval of the final plat map or development plan of any section or any portion of the subdivision or development plan, the boundary of which is contiguous with the proposed park and recreational facility. Open space covenants for private park or recreational facilities shall be submitted to the County Recorder

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prior to approval of the final plat map or development plan, and shall be recorded contemporaneously with the final plat map or development plan. In the event fees, including the park development fee, are required, 10% of the amount thereof shall be deposited with the City Council prior to the approval and recording of the final plat map or development plan, and the balance shall be due and payable 1 year from such date, or at the time the first occupancy permit is issued with respect to such subdivision or development, whichever may occur first. In no event shall any building permit be granted with respect to such subdivision or development until all such fees are deposited with the Director of Finance.

(M) *Limitation on use of land and fees.* Any land and fees received by the city pursuant to these regulations shall be used only for the purpose of providing park and recreational facilities to serve the area in which the subdivision or development concerned is located. Such fees paid shall be deposited in a Parks and Recreation Capital Improvement Fund to be used for the acquisition, development, and improvement of park and recreational facilities. No part of such fees shall be used for the purposes of paying salaries, wages, or other general operating expenditures. No part of fees received may be expended only in connection with the acquisition or development of parks and recreational facilities in reasonable proximity to the subdivision or development they are meant to benefit. Parks and recreational facilities so developed shall continue to be maintained so long as the subdivision or development they are meant to benefit remains in use.

(N) *Adjustment provision.* Notwithstanding any provision of these regulations to the contrary, the Planning Board may, in cases of an unusual or exceptional nature, allow for adjustments in the park land dedication and fees-in-lieu regulations and park development fee requirements as established in and required by the provisions of these regulations. Adjustments may be allowed when, in the opinion of the Planning Board, it has been determined and satisfactorily shown that the character of the particular subdivision or development and the park and recreation needs generated by and associated with any subdivision or development sufficiently justify such an adjustment or adjustments.

(1974 Code, § 155.072) (Ord. 77-78, passed 10-2-1978)

TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION REGULATIONS / IMPROVEMENTS

IMPROVEMENTS

TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION REGULATIONS / IMPROVEMENTS / § 155.095 GENERAL.

§ 155.095 GENERAL.

(A) The improvements which are required shall be prepared by a registered civil engineer and installed by the subdivider in accordance with the provisions of these regulations and other regulations of the city and state. These improvements shall be installed before the final plat is approved (i.e., through conditional approval); or in lieu thereof, a bond, letter of credit, or an escrow agreement as described in § 155.102, certified by the city's Legal Counsel as valid and enforceable by the city, may be accepted and shall be approved before approval of the final plat. Such guarantee would secure to the city the actual construction, installation, and initial maintenance of such improvements within a time required by the construction agreement and according to the approved improvement plans.

(B) Prior to the commencement of any project involving the Planning Board, or its duly authorized representative, a preconstruction meeting will be held with the Board, or its duly authorized representative, to discuss the project in regard to procedure, materials, inspections, and other relevant matters.

(C) The developer shall file with the Planning Board a plan for the routing of construction equipment with the objective of alleviating any need to traverse adjacent residential neighborhood streets. In exceptional cases, where no reasonable alternative exists or can be provided, construction equipment may be permitted the use of collector-level residential streets for a predetermined time period. The contractor shall be permitted to operate only pneumatic-tired equipment over any paved street surfaces and shall be responsible for correction of any damage to street surfaces in any manner resulting from the contractor's operation. During the period of use, such streets shall be kept reasonably free of debris, based on periodic inspections by the city.

(1974 Code, § 155.080) (Ord. 77-78, passed 10-2-1978)

TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION REGULATIONS / IMPROVEMENTS / § 155.096 DRAINAGE.

§ 155.096 DRAINAGE.

A drainage system shall be designed and constructed by the subdivider to provide for the proper drainage of the surface water of the subdivision and the drainage area of which it is a part. The following requirements and methods shall be followed:

- (A) *Storm drainage, report required.* A subdivision plat shall not be considered for

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final approval until the subdivider shall submit to the Planning Board, or its duly authorized representative, a report by a registered engineer as to the ability of existing watercourse channels, storm sewers, culverts, and other improvements pertaining to drainage or flood control within the subdivision to handle the additional runoff which would be generated by the development of the land within the subdivision. Additional information shall be submitted to adequately indicate that provision has been made for disposal of surface water without any damage to the developed or undeveloped land downstream or below the proposed subdivision. This report shall also include:

- (1) Estimates of the quantity of storm water entering the subdivision naturally from areas outside the subdivision.
- (2) Quantities of flow at each pickup point (inlet).
- (3) Location, sizes, and grades of required culverts, storm drainage sewers, and other required appurtenances.

(B) *Drainage requirements (grading).* No final grading, sidewalk or pavement construction, or installation of utilities shall be permitted in any proposed street until the final plat has been approved or conditionally approved by the Planning Board, or its duly authorized representative. The subdivider shall grade each subdivision in order to establish street, block, and lot grades in proper relation to each other and to topography as follows:

(1) *Street grading plan.* A grading plan shall be prepared for the streets along with street improvement details. The grading of the roadway shall extend the full width of the right-of-way. Planting strips shall be graded at a gradient of not less than 2% upward from the curb to the sidewalk or property line.

(2) *Block grading.* Block grading shall be accomplished in 1 or more of the following methods:

- (a) A ridge constructed along the rear lot lines providing for drainage into the streets.
- (b) Parts of all lots draining to a sidewalk or ditch along the rear lot lines.
- (c) Drainage across rear or side lot lines, provided that drainage onto adjoining properties shall be skillfully controlled.

(3) *Lot grading.* Lot grading shall be accomplished as follows: Lots shall be graded so that water drains away from each building at a minimum grade of 2%. Surface drainage swales shall have minimum grade of 2%, and shall be designed so that the surface water will drain into a driveway, street gutter, storm sewer, drain inlet, or natural drainage way. The

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minimum grades of driveways shall be 0.4% and the maximum grade as specified in § 155.101.

(4) *Topsoil.* If grading results in the stripping of topsoil, the topsoil shall not be removed from the site or used as spoil, but shall be uniformly spread over the lots as grading is finished.

(5) *Trees.* As many trees as can be reasonably utilized in the final development plan shall be retained and the grading adjusted to the existing grade of the trees where practicable.

(C) *Drainage system requirements.*

(1) The design criteria for storm drainage systems shall be based on standards contained within Subdivision Design and Construction Standards.

(2) Culverts and storm sewers in all streets shall be designed for a 25-year storm frequency.

(3) For curbs and gutters, curb and gutter inlets, and open channels, an intensity of 4 inches per hour shall be used in all computations.

(4) Where an adequate public storm drain is available, the subdivider shall construct a storm sewer system and connect with such storm sewer line. If such a storm sewer system is not accessible, natural drainage channels with easements of adequate width shall be provided, as determined by the City Engineer.

(D) *Road drainage system.*

(1) All roadways shall be provided with an adequate storm drainage system.

(2) The road storm sewer system shall serve as the primary drainage system and shall be designed to carry roadway, adjacent land, and building storm water drainage. No storm water shall be permitted to run into the sanitary sewer system within the proposed subdivision.

(3) Curb drainage inlets shall be provided at intervals along roadways. While these inlets connect to storm sewers, a catch basin shall be installed with the inlet. Storm drain inlets will be placed so that crosswalks will not be flooded during the design storm intensity of 4 inches per hour.

(E) *Off-road drainage systems.* The design of the off-road drainage system shall include the watershed affecting the subdivision, and shall be extended to a watercourse or ditch adequate to receive the storm drainage:

(1) When the drainage system is outside of the road right-of-way, the subdivider shall make provisions for dedication of an easement to the city to provide for the

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future maintenance of said system.

(2) The size and location of all off-street watercourses or ditches running through the subdivision shall be enclosed or left open subject to the approval of the Planning Board, or its duly authorized representative. If a watercourse or ditch is left open, it may be required to be protected by a fence, as determined by the Planning Board, or its duly authorized representative. The watercourse or ditch easement shall be wide enough to contain said ditch slope with ample clearance for the operation of maintenance equipment.

(F) *Drainage easement.* Easements for drainage purposes shall be a minimum of 10 feet in width. Where the watercourse is large, easement widths shall be increased as determined by the Planning Board, or its duly authorized representative. Where watercourses cross platted lots diagonally, the subdivider shall straighten such courses where practicable, and shall substantially follow subplot lines. Easements shall be shown on the record plat and shall cover all existing or reconstructed watercourses.

(G) *Protection of drainage systems.*

(1) The subdivider shall adequately protect all ditches to the satisfaction of the Planning Board, or its duly authorized representative. Ditches and open channels shall be seeded, sodded, or paved depending on grades (slopes) and types of soil.

(2) As a general rule, ditches and channels with grades up to 1% shall be seeded; with grades from 1% to 4% shall be sodded; and with grades over 4% shall be paved. Seeding, sodding, and paving operations shall be in compliance with the State of Ohio, Department of Transportation.

(H) *Material specifications.* Material and construction specifications for all drainage projects (i.e., pipe, tile, seed, sod) shall be in compliance with the Subdivision Design and Construction Standards.

(1974 Code, § 155.081) (Ord. 77-78, passed 10-2-1978)

TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION REGULATIONS / IMPROVEMENTS / § 155.097 CULVERTS AND BRIDGES.

§ 155.097 CULVERTS AND BRIDGES.

Where natural drainage channels intersect any street right-of-way, it shall be the responsibility of the subdivider to have satisfactory bridges or culverts constructed. Where culverts are required, they shall extend across the entire right-of-way width of the proposed street. The cover over the culvert and its capacity shall be determined by the City Engineer. The

minimum diameter of a culvert pipe shall be 18 inches. Head walls shall be required.

(1974 Code, § 155.082) (Ord. 77-78, passed 10-2-1978)

**TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION REGULATIONS /
IMPROVEMENTS / § 155.098 SANITARY SEWER SYSTEM.**

§ 155.098 SANITARY SEWER SYSTEM.

The subdivider shall construct a sanitary sewage collection system designed to adequately serve all lots in his subdivision, plus lines adequate in size to facilitate the orderly development of nearby land which is an integral part of the neighborhood service or drainage area, and connect said collection system to the public sewerage system.

(A) *Plans required.* When the subdivider submits the final plat for approval, he or she shall submit plans and specifications prepared by a registered civil engineer showing the proposed sanitary sewerage system and facilities. Said plans shall show pipe sizes, gradients, type of pipe, invert and finished grade elevations, location and type, and size of all lift or pumping stations, and such other information as required by the Planning Board, or its duly authorized representative.

(B) *Design standards.* The design criteria for the sanitary sewerage system shall be based on Subdivision Design and Construction Standards.

(C) *Individual on-site disposal systems.* In areas outside the city, but within 3 miles of the corporation limits thereof, and in cases in which a public sanitary sewer system is not reasonably accessible, the subdivision must comply with the standards set forth by the Miami County General Health District and the Miami County Sanitary Engineer.

(D) *Individual on-site disposal systems.* Individual on-site disposal systems located within the corporate limits of the city may only be permitted under the following criteria:

(1) In areas zoned to permit development on a minimum area of 1 acre with the approval of the Planning Board, or its duly authorized representative, and the County Health Department.

(2) The suitability of the soil for individual systems, the absorptive ability of the soil, surface drainage, groundwater level, and topography shall be the criteria for determining whether or not the installation of individual systems is permissible. Criteria shall be in accordance with the requirements of the Miami County General Health District and the requirements of the Ohio Department of Health.

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(3) Each lot so served shall be of a size and shape to accommodate the necessary length of tile field at a safe distance from and at a lower elevation than the proposed building. Such lot size and shape shall conform to the requirements of the zoning district in which they are located.

(4) At least 1 percolation test shall be made for each lot area being platted, and each test shall be located in close proximity to the proposed individual sewage disposal unit, be numbered, and its location shown on the preliminary plat. All percolation tests shall be performed in accordance with the requirements of the County Engineer and the Miami County General Health District.

(5) Where the installation of individual disposal units is considered and where the average natural ground slope exceeds 10%, the installation of a step-up disposal system may be required subject to specifications by the Miami County General Health District.

(1974 Code, § 155.083) (Ord. 77-78, passed 10-2-1978)

Cross-reference:

Plans for future expansion; extra-size and off-site improvements, § 155.107

TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION REGULATIONS / IMPROVEMENTS / § 155.099 WATER SYSTEM.

§ 155.099 WATER SYSTEM.

(A) *Water distribution system.* The subdivider shall construct a complete water distribution system which shall adequately serve all lots within the proposed subdivision, plus lines adequate in size to facilitate the orderly development of nearby land which is an integral part of the neighborhood service area. The water distribution system shall include appropriately spaced fire hydrants, valves, and other appurtenances necessary.

(B) *Plan required.* When the subdivider submits the final plat for approval, he shall submit plans and specifications prepared by a registered civil engineer showing the proposed water system. Said plans shall show line sizes; type of pipe; location of hydrants and valves and other appurtenances, if applicable; supply facilities; booster pumps; and elevated or ground-level storage tanks.

(C) *Design standards.* The design criteria for the water distribution system shall meet the requirements of the State Department of Health as cited in R.C. §§ 6111.44 through 6111.46, and the requirements of the city as contained within Subdivision Design and Construction

Standards.

(1974 Code, § 155.084) (Ord. 77-78, passed 10-2-1978)

Cross-reference:

Plans for future expansion; extra-size and off-site improvements, § 155.107

TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION REGULATIONS / IMPROVEMENTS / § 155.100 STREET IMPROVEMENTS.

§ 155.100 STREET IMPROVEMENTS.

(A) *Plans required.* When the subdivider submits the proposed plat for final approval, he or she shall submit plans and specifications prepared by a registered civil engineer showing the proposed street system. Said plans shall show the proposed right-of-way width; pavement width; location and the proposed alignment; grade; geometric details and cross sections of each proposed street; curbs and gutters, where applicable; and sidewalk and driveway details. Said plans and specifications shall show for each proposed street design criteria such as street classification, pavement classification, and thickness of base and subbase materials.

(B) *Additional information.* In addition, the following information shall be required:

(1) The plans and profiles of all surrounding streets which are to connect to a street in the proposed subdivision (for a distance of 100 feet back from the boundary line of the proposed subdivision).

(2) All profiles shall be drawn at a scale of:

1 inch = 100 feet horizontal

1 inch = 10 feet vertical

or

1 inch = 50 feet horizontal

1 inch = 5 feet vertical

(3) Elevations shall be shown at all P.I.(s) and percent grade between P.I.

(4) Elevations shall be tied to a bench mark (U.S.G.S. or city bench marks when available) when within a reasonable distance, as determined by the Planning Board, or its

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duly authorized representative, and shall be shown on profiles.

(5) Details of curb and gutter, sidewalks, street section, and paving shall be shown.

(C) *Pavement and specifications.* All streets shall be paved with portland cement concrete or asphalt concrete and constructed in accordance with the specifications in Subdivision Design and Construction Standards.

(D) *Minimum pavement widths.* Pavement widths shall be measured from curb back to curb back or if no curbs are required, then measurement shall include the entire paved surface. Minimum pavement widths for each street shall be as follows and laid out in the manner indicated by the typical street cross sections shown in Subdivision Design and Construction Standards.

TABLE II MINIMUM STREET RIGHT-OF-WAY WIDTH AND MINIMUM PAVEMENT WIDTHS FIGURED FROM CURB BACK TO CURB BACK		
<i>Type of Street</i>	<i>R/W (feet)</i>	<i>B/B (feet)</i>
Expressway	120	224
Thoroughfare (Major)	80	59
Secondary	60	37
Collector	60	37
Minor	50	35
Cul-de-sac/low density residential*	50	30
*A low density residential street is defined as a connecting road not to exceed 600 feet which serves single-family residential dwellings exclusively.		

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(D) *Curbs and gutters.*

(1) The developer shall construct Type I or Type II curbs in all residential areas. On a minimum of 1 acre single-family lots or greater, or any areas zoned for agriculture, conservation, commercial, or industrial purposes, the Planning Board, or its duly authorized representative, shall determine whether curbs and gutter shall be required.

(2) All curbs and gutters shall be constructed of portland cement concrete in accordance with the specifications in Subdivision Design and Construction Standards.

(E) *Curb radii.* The minimum curb radius at intersections shall be as follows:

<i>Type of Street Intersection*</i>	<i>Minimum Curb Radius (feet)</i>
Local - Local	20
Local - Collector	25
Collector - Collector	30
Collector - Arterial	35
Arterial - Arterial	50
*In the case of local or collector streets located in commercial or industrial areas, the minimum curb radii shall be increased to 50 feet.	

(F) *Sidewalks.* Sidewalks shall be required on both sides of all local and collector streets in all areas zoned for 2- and multi-family development and single- family development requiring ½ acre lots or less. The Planning Board, or its duly authorized representative, shall determine the need for sidewalks on one or both sides of the street in all areas zoned to permit single- family development at greater than a minimum of ½ acre lots or any other zoning (i.e., commercial, industrial, agricultural, or conservation, and on all frontage and arterial roads). Sidewalks shall be constructed of portland cement concrete in accordance with the specifications contained in Subdivision Design and Construction Standards, at least 4 inches thick. All sidewalks shall be constructed with a minimum width of 4 feet, and this width shall be increased to 5 feet for local streets in multi-family residential and commercial and industrial areas if deemed necessary by the Planning Board, or its duly authorized representative, and on collector

streets (typical cross sections are shown in Subdivision Design and Construction Standards). Where pedestrian traffic volume indicates the need, the Planning Board, or its duly authorized representative, may require wider sidewalk widths.

(1974 Code, § 155.085) (Ord. 77-78, passed 10-2-1978)

TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION REGULATIONS / IMPROVEMENTS / § 155.101 DRIVEWAYS.

§ 155.101 DRIVEWAYS.

(A) Driveways for residential areas (single and 2-family) shall be provided with a minimum width of 8 feet and a minimum radius at the curb of 5 feet or a 3-foot flare. The maximum width of a single lane residential driveway shall not exceed 16 feet at the right-of-way line. The minimum driveway width for a 2-lane residential driveway shall be 16 feet and the maximum width shall not exceed 24 feet in width measured at the right-of-way line. The minimum width for a 3-lane residential driveway shall be 20 feet and the maximum shall be 30 feet at the right-of-way line if there is a 3-vehicle garage with the doors facing the street and the building is setback 40 feet or less. At higher-volume driveways in multi-family areas and in commercial and industrial areas, increased widths plus an increase to the flare to a minimum of 5-feet shall be required. The maximum width of any driveway shall be 30 feet measured at the right-of-way. All driveways shall be constructed with a pavement thickness of at least 6 inches within the right-of-way for residential and a minimum of 9 inches for commercial and industrial.

(B) Within the street right-of-way area, driveway grades shall not exceed 8%. In upward sloping driveways beyond the street right-of-way area, the change in grade shall not exceed 12% within 10 feet of distance. On downward sloping driveways beyond the street right-of-way area (entering basement garages), the change in grade shall not exceed 8% within any 10 feet of distance.

(1974 Code, § 155.086) (Ord. 77-78, passed 10-2-1978)

TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION REGULATIONS / IMPROVEMENTS / § 155.102 OFF-STREET PARKING AREAS.

§ 155.102 OFF-STREET PARKING AREAS.

Off-street parking areas shall be paved with portland cement or asphalt concrete, and

designed in accordance with the zoning code.

(1974 Code, § 155.087) (Ord. 77-78, passed 10-2-1978)

**TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION REGULATIONS /
IMPROVEMENTS / § 155.103 ELECTRIC, GAS, AND TELEPHONE
IMPROVEMENTS.**

§ 155.103 ELECTRIC, GAS, AND TELEPHONE IMPROVEMENTS.

(A) Electric service and telephone service shall be provided within each subdivision. Gas service may be provided where reasonably accessible. Telephone, electric, and street lighting wires, conduits, and cables shall be constructed underground except in cases where the City Engineer determines that topographic bedrock or underground water conditions would result in excessive costs to the subdivider.

(B) Overhead utility lines, where permitted, shall be located at the rear of all lots. The width of the easement per lot shall be not less than 5 feet, and the total easement width shall be not less than 10 feet.

(C) Whenever 2 or more utilities (sanitary sewer line, water line, gas line, electric line, or telephone line) are each placed underground in the same utility easement, a width greater than the minimum 10 feet may be required.

(1974 Code, § 155.088) (Ord. 77-78, passed 10-2-1978)

**TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION REGULATIONS /
IMPROVEMENTS / § 155.104 STREET SIGNS.**

§ 155.104 STREET SIGNS.

(A) The subdivider shall install or cause to have installed street signs at all street intersections. The signs shall conform to the specifications of the city and shall be mounted at a height of approximately 7 feet above the top of the curb or the crown of the pavement. They shall be located on diagonally opposite corners on the far right-hand side of the intersection for traffic on the more important streets.

(B) For purposes of street naming, the following suffixes shall apply:

(1) "Avenue" shall be used only for streets that run in a generally east-west

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direction;

(2) "Boulevard" or "drive" shall be used only for a large, meandering-type street;

(3) "Circle" or "court" shall be used only for cul-de-sac-type streets that run in a generally east- west direction;

(4) "Lane" or "place" shall be used only for cul-de-sac-type streets that run in a generally north- south direction;

(5) "Road" or "way" shall be used only for streets that run in a diagonal manner, either a generally northwest-southeast direction or a northeast- southwest direction;

(6) "Street" shall be used only for thoroughfares that run in a generally north-south direction;

(7) The words "north", "south", "east", or "west" should be avoided as part of a street name whenever possible.

(C) Whenever a new street is constructed along the approximate alignment or extension of an existing street, its name shall be the same as that of the existing one.

(D) To avoid duplication and confusion, the proposed names of all streets shall be approved by the City Engineer prior to such names being assigned or used.

(E) House numbers shall be assigned in accordance with the current house numbering system in effect for the city.

(F) The subdivider shall contact the city to arrange for the installation of traffic-control signs and devices which shall be in conformance with the *Manual of Uniform Traffic Control Devices* prepared by the Joint Commission on Traffic-Control Devices, U.S. Department of Commerce, Bureau of Public Roads.

(1974 Code, § 155.089) (Ord. 77-78, passed 10-2-1978)

TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION REGULATIONS / IMPROVEMENTS / § 155.105 PLANTING SCREENS OR FENCES.

§ 155.105 PLANTING SCREENS OR FENCES.

The Planning Board, or its duly authorized representative, may require and permit planting screens, fences, or masonry walls in accordance with the zoning code, provided that

such planting screens, fences, or walls shall not constitute a safety hazard. A plan of proposed planting screens, fences, or walls shall be submitted for approval with the final plat.

(1974 Code, § 155.090) (Ord. 77-78, passed 10-2-1978)

**TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION REGULATIONS /
IMPROVEMENTS / § 155.106 SURVEY MONUMENTS.**

§ 155.106 SURVEY MONUMENTS.

(A) A complete survey shall be made by a registered surveyor.

(B) The traverse of the exterior boundaries of the tract and of each block, when computed from field measurements of the ground, shall close within a limit of error of 1 foot to 10,000 feet of the perimeter before balancing the survey.

(C) Reference monuments shall be accurately placed at the intersection of all outside boundary lines of the plat, at the intersection of these boundary lines with all street lines, at diagonally opposite corners of each street intersection, at all lot corners, and at such points as are necessary to establish definitely all lines of the plat. Such monuments shall be iron pins at least 5/8 inches in diameter and 30 inches long and shall be placed immediately after final grading of lots is completed. Their location shall be indicated by a suitable symbol on the record plan. There shall be no final release of the performance bond until all monuments have been placed, or their placement guaranteed in a manner satisfactory to the Planning Board, or its duly authorized representative.

(D) In such cases where the placement of a required monument at its proper location is impractical, it shall be permissible to set a reference monument close by that point, provided its location is properly shown on the final plat.

(1974 Code, § 155.091) (Ord. 77-78, passed 10-2-1978)

**TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION REGULATIONS /
IMPROVEMENTS / § 155.107 PLANS FOR FUTURE EXPANSION; EXTRA-SIZE AND
OFF-SITE IMPROVEMENTS.**

**§ 155.107 PLANS FOR FUTURE EXPANSION; EXTRA-SIZE AND OFF-SITE
IMPROVEMENTS.**

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(A) All improvements shall be installed to satisfy the service requirements for the service or drainage area in which the subdivision is located, and the improvements shall be of sufficient capacity to handle the expected development of the overall service or drainage area involved, based on an evaluation by the City Engineer.

(B) Extra-size improvements. See Chapter 50.

(C) Off-site improvements. See Chapter 50.

(D) Official thoroughfare construction requirements. In cases in which a proposed thoroughfare, as shown on the Official Thoroughfare Plan, abuts or crosses the proposed subdivision, the subdivider shall be responsible for all required improvements, including the required pavement width on an undivided street. In the case of a divided street, the subdivider shall be responsible for the sidewalk, 1 curb, 1 pavement 37 feet in width measured from curb back to curb back, and storm drainage. Certain improvements may be waived on review and approval by the Planning Board; however, right-of-way dedication shall be required in all cases.

(E) When developing along 1 side of an existing thoroughfare which requires improvement as recommended in the Official Thoroughfare Plan, the subdivider shall be responsible for 1 sidewalk, 1 curb, pavement widening to the recommended standard width of his or her side, all necessary adjustments to existing pavement, and storm drainage for the street, based on recommendations by the City Engineer as approved by the Planning Board. Where sight distance or other engineering requirements make it imperative, the pavement adjustment responsibility shall include the replacement of up to the entire existing pavement.

(F) Where marginal-access streets are used to provide access to arterial thoroughfares (ROW widths of 80 feet and over), improvements on those thoroughfares will be waived.

(1974 Code, § 155.092) (Ord. 77-78, passed 10-2-1978)

TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION REGULATIONS / IMPROVEMENTS / § 155.108 PLANS REQUIRED FOR THE CONTROL OF EROSION AND SEDIMENTATION.

§ 155.108 PLANS REQUIRED FOR THE CONTROL OF EROSION AND SEDIMENTATION.

(A) In the event that any developer shall intend to make changes in the contour of any land proposed to be subdivided, developed, or changed in use by grading, excavating, or the removal or destruction of the natural topsoil, trees, or other vegetative covering thereon, the same shall only be accomplished after the owner of said land or his or her agent has submitted to the

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Planning Board, or its duly authorized representative, for approval, a plan for erosion and sedimentation controls, unless there has been a prior determination by the Planning Board, or its duly authorized representative, that such plans are not necessary.

(B) Such plans shall contain adequate measures for the control of erosion and siltation, where necessary, using the guidelines and policies contained herein.

(C) The Planning Board, or its duly authorized representative, shall review these plans as submitted, and shall duly consider the recommendation submitted by the Miami County Soil Conservation Service on their review. On completion of such review, the Planning Board shall take necessary steps to ensure compliance by the developer with these plans as finally approved.

(D) Requirements.

(1) Three sets of plans for the control of erosion and sedimentation shall be submitted to the Planning Board, or its duly authorized representative, at the time the final plat drawings are submitted. One set of such plans shall be submitted to the Soil Conservation Service for their review.

(2) Measures to be taken to control erosion and sedimentation shall be described and provided for in the construction agreement and the estimated cost of accomplishing such measures shall be covered in the performance bond. In addition, the subdivider shall be required to provide a cash escrow guarantee, held by a company which is in the practice of handling escrows, approved by the City Council in an amount determined by the Planning Board, or its duly authorized representative, which would ensure the city that emergency measures could be taken by the city at the subdivider's expense if he or she did not initiate corrective action determined to be needed by the Planning Board, or its duly authorized representative. In this regard, the subdivider shall, at the time of final plat submission, deliver to the City Council written instructions addressed to the escrow holder which shall authorize and instruct the escrow holder to convey to the subdivider, after completion of the entire subdivision, as per the construction agreement, on approval by resolution of the City Council, the cash guarantee, or to convey to the city, when the City Council has approved such action by resolution, such amounts of the cash guarantee as the resolution requires.

(3) At the building permit application stage, a review will be conducted to ensure conformance with the plans as approved.

(4) During the construction phase, further consultive technical assistance will be furnished, if necessary, by the Planning Board, or its duly authorized representative, or by the local representative of the Soil Conservation Service. The Planning Board, or its duly authorized representative, shall enforce compliance with the approved plans.

(5) The Planning Board, or its duly authorized representative, shall make a continuing review and evaluation of the methods used and the overall effectiveness of the erosion

and sedimentation control program.

(E) Suggested control measures. The following control measures should be used for an effective erosion and sedimentation control plan:

(1) The smallest practical area of land should be exposed at any 1 time during development.

(2) When land is exposed during development, the exposure should be kept to the shortest practical period of time.

(3) Where necessary, temporary vegetation or mulching should be used to protect areas exposed during development.

(4) Sediment basins (debris basins, desilting basins, or silt traps) should be installed and maintained to remove sediment from runoff waters from land undergoing development.

(5) Provisions should be made to effectively accommodate the increased runoff caused by changed soil and surface conditions during and after development.

(6) The permanent final vegetation and structures should be installed as soon as practical in the development.

(7) The development plan should be fitted to the topography and soils so as to create the least erosion potential.

(8) Wherever feasible, natural vegetation should be retained and protected.

(1974 Code, § 155.093) (Ord. 77-78, passed 10-2-1978)

TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION REGULATIONS / IMPROVEMENTS / § 155.109 CONSTRUCTION INSPECTION.

§ 155.109 CONSTRUCTION INSPECTION.

(A) Periodic inspections during the installation of improvements shall be made by the city to ensure conformity with the approved plans and specifications as required by these regulations. The subdivider shall notify proper administrative officials at least 24 hours before each phase of the improvements is ready for inspection.

(B) Authority and duties of inspectors. Inspectors employed by the city shall be authorized to inspect all work done and all materials furnished. Such inspection may extend to

all or any part of the work and to the preparation, fabrication, or manufacture of the materials to be used. The Inspector shall not be authorized to revoke, alter, or waive any requirements of the specifications or plans. He or she shall be authorized to call the attention of the contractor to any failure of the work or materials to conform to the specifications and contract. He or she shall have the authority to reject materials which do not meet specification requirements or suspend the portion of the work involved until any question at issue can be referred to and decided by the Planning Board, or its duly authorized representative.

(C) Final inspection. On completion of all the improvements, the subdivider shall request, in writing, a final inspection by the Planning Board, or its duly authorized representative. The Board, or its duly authorized representative, shall make a final inspection of streets, sidewalks, curbs and gutters, sanitary and storm sewers, water mains, and other improvements required in these regulations.

(1974 Code, § 155.094) (Ord. 77-78, passed 10-2-1978)

TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION REGULATIONS / IMPROVEMENTS / § 155.110 CONSTRUCTION RESPONSIBILITIES.

§ 155.110 CONSTRUCTION RESPONSIBILITIES.

Cooperation of subdivider or contractor. The subdivider or contractor shall have available on the project at all times 2 copies of all required plans and specifications. He or she shall cooperate with the Inspector and with other contractors in every way possible. The subdivider or contractor shall have at all times a competent superintendent acting as his or her agent on the project. The superintendent shall be capable of reading and thoroughly understanding the plans and specifications, and he or she shall receive instructions from the Inspector. The superintendent shall have full authority to execute the orders or directions of the Inspector, and to promptly supply such materials, tools, plant equipment, and labor as may be required. The Inspector's orders should be executed without delay. A superintendent shall be furnished irrespective of the amount of work sublet.

(1974 Code, § 155.095) (Ord. 77-78, passed 10-2-1978)

TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION REGULATIONS / IMPROVEMENTS / § 155.111 STATIONINGS.

§ 155.111 STATIONINGS.

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Pavement and utility grade stakes shall be set at intervals of 25, 50, or 100 feet, depending on the regularity of the ground surface and the accuracy required, to determine the elevation of the ground surface at each of these points. The Planning Board, or its duly authorized representative, may ask for additional grade stakes if it is deemed necessary.

(1974 Code, § 155.096) (Ord. 77-78, passed 10-2-1978)

TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION REGULATIONS / IMPROVEMENTS / § 155.112 PROTECTION AND OPENING TO TRAFFIC.

§ 155.112 PROTECTION AND OPENING TO TRAFFIC.

The contractor shall protect the pavement against all damage prior to final acceptance of the work. Traffic shall be excluded from the pavement by erecting and maintaining barricades and signs until the concrete is at least 7 days old. This traffic restriction shall apply to the contractor's construction equipment and vehicles as well as general traffic. As soon as curing and sealing are completed, the contractor shall clean the pavement free of all debris and construction equipment.

(1974 Code, § 155.097) (Ord. 77-78, passed 10-2-1978)

TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION REGULATIONS / IMPROVEMENTS / § 155.113 PROTECTION OF UTILITY LINES.

§ 155.113 PROTECTION OF UTILITY LINES.

The contractor shall at all times take proper precautions for the protection of utility lines, the presence of which are known or can be determined by the examination of appropriate maps of the utility companies and the city. The contractor shall be financially responsible for the repair of any damage to such service lines.

(1974 Code, § 155.098) (Ord. 77-78, passed 10-2-1978)

TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION REGULATIONS / IMPROVEMENTS / § 155.114 PROTECTION OF MISCELLANEOUS PUBLIC AND PRIVATE INSTALLATIONS.

§ 155.114 PROTECTION OF MISCELLANEOUS PUBLIC AND PRIVATE INSTALLATIONS.

The contractor shall at all times take proper precautions for the protection of and replacement or restoration of driveway culverts, street intersections, culverts, aprons, mailboxes, driveway approaches, and all other public and private installations that may be encountered during construction. Written approval for complete replacement or restoration work may be required by the Planning Board, or its duly authorized representative. Any damage done to the improvements by construction traffic, local traffic, or by any other means shall be repaired or the damaged materials replaced before the next item of construction is begun.

(1974 Code, § 155.099) (Ord. 77-78, passed 10-2-1978)

TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION REGULATIONS / IMPROVEMENTS / § 155.115 FINAL CLEANING UP.

§ 155.115 FINAL CLEANING UP.

On completion of the work and before acceptance, the subdivider or contractor shall clean up all ground occupied or affected by him or her in connection with the work. The entire area shall be kept in a neat and presentable condition during the entire duration of the project, and left in a neat and presentable condition satisfactory to the Inspector.

(1974 Code, § 155.100) (Ord. 77-78, passed 10-2-1978)

TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION REGULATIONS / IMPROVEMENTS / § 155.116 MAINTENANCE OF IMPROVEMENTS.

§ 155.116 MAINTENANCE OF IMPROVEMENTS.

The subdivider shall be responsible for the maintenance of the improvements installed and shall be responsible for providing the services necessary to guarantee access to all the occupied lots, including plowing snow, until final acceptance for maintenance by the City Council or other appropriate public body. The subdivider shall be given adequate and appropriate notice by the Planning Board, or its duly authorized representative, of the need for said maintenance or service. If the subdivider fails to perform such necessary maintenance or

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service within an appropriate time, the Planning Board, or its duly authorized representative, may perform said service, and bill the subdivider for said service. Payment shall be guaranteed by the maintenance bond described in § 155.117.

(1974 Code, § 155.101)

TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION REGULATIONS / IMPROVEMENTS / § 155.117 AGREEMENTS AND GUARANTEES.

§ 155.117 AGREEMENTS AND GUARANTEES.

(A) *Agreements.* All bonds and insurance required under this section shall be secured from companies authorized to do business in the State of Ohio and shall be deposited and remain at all times with the Director of Finance.

(1) Construction agreement. To assure the construction and installation of improvements and the control of erosion and sedimentation (when necessary) required by these regulations, the subdivider shall execute a construction agreement with the City Council in form and substance approved by the city's Legal Counsel. This agreement shall provide that all such improvements, as specified in the agreement, shall be constructed and installed at the subdivider's expense in compliance with the standards and specifications for each of the various types of improvements, including, when applicable, measures needed to control erosion and sedimentation; such improvements shall be available to and for the benefit of the lands within such subdivision and surrounding land which is in the same service or drainage area; that such improvements (as specified in the agreement) will be completed and installed within 24 months of the date of final approval of the final plat, or within a mutually agreed-on extension not to exceed 12 consecutive calendar months. Any further provisions that the city's Legal Counsel may deem necessary in the public interest may be added.

(2) The construction agreement shall further provide that in the case where approval of the final plat has been given before the construction of improvements and a performance guarantee has been provided, and if the improvements are not completed within the specified time, the city, on proper notice, may complete the improvements and recover full costs and expenses thereof from the subdivider, and may appropriate such portion of money or bonds posted for the faithful performance of said works.

(3) Commencement of improvements. No construction of any improvements, or clearing, grubbing, and grading shall be commenced prior to the approval of the construction agreement by the City Council.

(B) *Guarantees.* The subdivider may execute and file guarantees with the city in lieu

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of actual installation or completion of the required improvements when requesting approval of the final plat. Such guarantees shall be as follows:

(1) *Performance bond.* A performance bond filed with the Director of Finance in such an amount as the Planning Board, or its duly authorized representative, shall estimate and determine to be reasonably necessary to complete all of the improvements required to be done by the subdivider, including measures to control erosion and sedimentation, when applicable. The bond may be in the form of a property bond, surety bond, a cash bond, or negotiable United States Treasury Certificates of the kind approved by law for securing deposits of public money. The bond shall be executed by the subdivider as principal, and if a surety bond, shall be executed by a corporation authorized to act as a surety under the laws of the State of Ohio. The bond shall be a joint and several obligation for the faithful performance of any and all work and the construction and installation of all improvements required to be done by the subdivider, together with all engineering and inspection costs and fees incurred by the city. The bond shall contain the further condition that should the subdivider fail to complete all work and improvements required to be done by him within 24 consecutive calendar months of the date of approval of the final plat, or within a mutually agreed-on extension, not to exceed 12 consecutive calendar months, the city may, at its option, cause all required work to be done and improvements constructed. The parties executing the bond shall be firmly bound for the payment of all necessary costs therefor. Whenever the subdivider elects to deposit cash or approved negotiable United States Treasury Certificates, the city shall be authorized, in the event of any default on the part of the subdivider or the performance of any work or construction of any improvements for which the cash or negotiable bonds have been deposited, to cause the required work to be done and to withdraw that amount required for payment of all costs therefor. When the subdivider elects to submit a property bond, the developer shall provide the city with a bond giving the city first mortgage on the subject property. The bond will be recorded with the County Recorder's office by the city at the developers expense. Prior to city acceptance of the bond, the developer will submit an affidavit from a licensed real estate broker that the raw land has a minimum value greater than the amount of the required bond, and a statement from an attorney indicating that the land is free and clear of prior liens.

(a) The performance bond, or portion thereof, shall not be released until the following 2 conditions have been complied with:

1. The City Council, or its authorized representative, has inspected the completed portion or portion of the appropriate public improvements of the plat, with the exception of certain sidewalks as specified by the City Council, and is satisfied that the construction has been completed in conformance with the plans and specifications of the plat.

2. A maintenance bond is posted by the subdivider in favor of the city in an amount not less than 10% of the total costs of the construction of public improvements. The dollar amount of this maintenance bond shall be subject to the approval of

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both the Enforcement Officer and the City Engineer with regard to being an accurate reflection of actual public improvement costs. No public improvements shall be accepted by City Council until the subdivider posts an approved maintenance bond. Such bond shall extend for 1 year from the actual date that City Council agrees to release the contract and performance bond for the required public improvements.

(b) The subdivider shall be in default of the performance bond when 1 of the following conditions exists:

1. The installation of all required public improvements as called for in these regulations has not taken place within the time period agreed on in the subdivider's contract with the city, and the subdivider has failed to establish reasonable cause for such delay to the satisfaction of the City Council and thereby to receive a time extension.

2. The subdivider has not constructed the required public improvements in accordance with the minimum standards specified by these regulations, and the subdivider is unwilling to modify and upgrade said public improvements within a 6-month time period so as to be in compliance with the provisions of these regulations.

(2) *Letter of credit.* The subdivider shall provide from a bank or other reputable institution or individual subject to the approval of the Planning Board a letter of credit. This letter shall be deposited with the Planning Board, and shall certify the following:

(a) The creditor guarantees funds in an amount equal to the cost, as estimated by the subdivider and approved by the City Engineer, of completing all required improvements.

(b) In the case of failure on the part of the subdivider to complete the specified improvements within the required time period, the creditor shall pay to the city immediately and without further action such funds as are necessary to finance the completion of those improvements, up to the limit of credit stated in the letter.

(c) This letter of credit may not be withdrawn or reduced in amount until released by the City Council.

(C) *Cash deposit.*

(1) The owner, subdivider, or agent shall, before installation begins, deposit with the City Clerk \$500 or other larger amount recommended by Council either in cash or by means of a certified check. The amount deposited shall be paid on order of the City Engineer to the municipality or to a contractor selected by the City Engineer to remove dirt, silt, or any other accumulation from any street or conduit for drainage, sewage, or water, or to repair municipal pavement or property or private property if the owner, subdivider, or agent neglects or refuses to

Tipp City, Ohio Code of Ordinances

remove accumulations or to make repairs when ordered by the City Engineer.

(2) When more than half of the amount has been used by the city for said purpose, the owner, subdivider, or agent shall deposit sufficient additional funds to bring the balance again to the amount established in accordance herewith. Failure to maintain the balance, on request of the City Engineer, shall constitute authority for the Engineer to halt work on the improvements being installed. When the improvement has been completed, any balance in the fund not then needed for the purpose aforesaid shall be returned to the subdivider, owner, or agent who deposited it.

(D) *Liability insurance.* The owner, subdivider, or agent shall, before such installation begins, furnish and keep in full force and effect, at all times during the period required to install the improvements and for a period of 1 year thereafter, a policy of insurance written by a solvent insurance company authorized to do business in Ohio. The policy shall be in form and amount satisfactory to the city's Legal Counsel, insuring and indemnifying the city against any legal liability incurred as a result of damage to persons or property arising out of the acts or omissions of the owner, subdivider, or agent, or any of his or her contractors, subcontractors, agents, or employees in connection with the installation or construction of said improvements, or arising out of the unimproved condition of the streets being improved.

(1974 Code, § 155.102) (Ord. 77-78, passed 10-2-1978; Am. Ord. 4-81, passed 1-19-1981)

TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION REGULATIONS / IMPROVEMENTS / § 155.118 CITY COUNCIL'S ACCEPTANCE OF IMPROVEMENTS.

§ 155.118 CITY COUNCIL'S ACCEPTANCE OF IMPROVEMENTS.

The city, through action by the City Council, may accept public improvements made by a subdivider which meet the following conditions:

(A) The public improvements have been made in accordance with the requirements of §§ 155.040 through 155.059;

(B) The design standards of §§ 155.070 through 155.081 have been adhered to;

(C) Installation of said public improvements has been completed in accordance with standards of design and construction described in §§ 155.070 through 155.081 and 155.095 through 155.118;

(D) All final inspections required by these regulations have been carried out by the city, and said improvements were found to be acceptable by the City Engineer and the

Enforcement Officer;

(E) "As-built" construction plans have been submitted by the subdivider to the city and release from the posted performance surety has been granted.

(1974 Code, § 155.103) (Ord. 77-78, passed 10-2-1978)

**TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION REGULATIONS /
ADMINISTRATION AND ENFORCEMENT**

ADMINISTRATION AND ENFORCEMENT

**TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION REGULATIONS /
ADMINISTRATION AND ENFORCEMENT / § 155.130 ADMINISTRATION.**

§ 155.130 ADMINISTRATION.

It shall be the responsibility of the Planning Board, or its duly authorized representative, to administer these regulations except where specific authority is given to some other city office as set forth in these regulations.

(1974 Code, § 155.110) (Ord. 77-78, passed 10-2-1978)

**TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION REGULATIONS /
ADMINISTRATION AND ENFORCEMENT / § 155.131 FEES.**

§ 155.131 FEES.

(A) *Fees for preliminary plats.* The Planning Board shall require a fee for each subdivision plat submitted for approval which shall be specified from time to time by ordinance of the City Council.

(B) *Fees for final plat and engineering review.* The Planning Board shall require the payment of fees for each final plat, including engineering reviews, submitted for approval, which shall be specified from time to time by ordinance of the City Council.

(C) *Payment of fees.* The subdivider or developer shall pay preliminary plat, final

Tipp City, Ohio Code of Ordinances

plat, and recording fees in the following manner:

(1) Preliminary plat fees shall be paid in full at the time of submitting same for approval.

(2) Final plat fees shall be paid in full at the time of submitting same for approval.

(D) *Method of payment.* Preliminary plat, final plat, and recording fees shall be paid by check or money order only made payable to Tipp City, Ohio, and submitted to the Director of Finance or his or her designee at the time as specified under (C) above.

(E) *Fees for inspecting improvements.*

(1) Fees for inspections made during and upon completion of all improvements shall be paid at the time the plat is submitted to City Council, and such fees shall be specified from time to time by ordinance of the City Council.

(2) The subdivider or developer shall be held responsible for all inspection fees. The bond posted by the subdivider guarantees the payment of all inspection fees and no bonds, or portions thereof, shall be released until all inspection fees have been paid in full. For those final plats having conditional approval, no final approval will be given nor shall such a plat be recorded until all inspection fees are paid in full.

(1974 Code, § 155.111) (Ord. 77-78, passed 10-2-1978; Am. Ord. 52-88, passed 10-17-1988; Am. Ord. 20-94, passed 7-5-1994; Am. Ord. 35-04, passed 7-19-2004)

**TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION REGULATIONS /
ADMINISTRATION AND ENFORCEMENT / § 155.132 MODIFICATIONS.**

§ 155.132 MODIFICATIONS.

The Planning Board may grant a modification to these regulations, as specified herein, where unusual or exceptional factors or conditions require such modification, provided that the Planning Board shall:

(A) Find that unusual topographical or exceptional physical conditions exists.

(B) Find that strict compliance with these regulations would create an extraordinary hardship in the face of the exceptional conditions.

(C) Permit any modification to depart from these regulations only to the extent

necessary to remove the extraordinary hardship.

(D) Find that any modification granted will not be detrimental to the public interest nor in conflict with the intent and purpose of these regulations.

(E) Require such other conditions to be met by the proposed plat as the Planning Board may find necessary to accomplish the purposes of these regulations when modified.

(1974 Code, § 155.112) (Ord. 77-78, passed 10-2-1978)

TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION REGULATIONS / ADMINISTRATION AND ENFORCEMENT / § 155.133 ENFORCEMENT.

§ 155.133 ENFORCEMENT.

(A) *Admission to county record.* No plat or plan of a subdivision of land located within the city or its 3-mile area of jurisdiction shall be admitted to the records of Miami County or received by the County Clerk until said plat has received final approval by the Planning Board, and areas to be dedicated have been accepted by the City Council. Admission to the records shall not be construed as approval.

(B) *Sale of land in subdivision.* No person or his or her agent owning land composing a subdivision shall transfer or sell or agree to sell any lot or parcel of land located within a subdivision by reference to, or by exhibition, or by any other use of a plat of such subdivision, before such plat has received final approval of the Planning Board and has been recorded. Any such instrument of transfer, sale, or contract shall be void, and shall not be subject to be recorded, but all rights of such purchaser to damages are preserved. The description of such lot, parcel, or tract by metes and bounds in any contract or instrument of transfer to other documents used in the process of selling or transferring same shall not exempt the person attempting to transfer from penalties provided or deprive the purchaser of any rights or remedies he or she may otherwise have.

(C) *Revision of plat after approval.* No changes, erasures, modifications, or revisions shall be made in any plat of a subdivision after final approval has been given by the Planning Board and an endorsement is made in writing on the plat, unless the plat is first resubmitted and the changes approved by the Planning Board.

(D) *Improvements in official streets only.* No board, public officer, or authority shall accept, layout, improve, or authorize utilities to be laid in any street within the territory for which the Planning Board has adopted a Comprehensive Plan, unless the street corresponds with a street shown on the Comprehensive Plan or unless the street is shown on a subdivision plat or a

street plat which has been approved by the Planning Board and accepted by the City Council.

(1974 Code, § 155.114) (Ord. 77-78, passed 10-2-1978)

**TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION REGULATIONS /
ADMINISTRATION AND ENFORCEMENT / § 155.998 APPEALS FROM PLANNING
BOARD.**

§ 155.998 APPEALS FROM PLANNING BOARD.

Any person or entity claiming to be injured or aggrieved by any final action of the Planning Board has all the rights of appeal as set forth in R.C. Ch. 711 or any other applicable section of the Ohio Revised Code.

(1974 Code, § 155.998) (Ord. 77-78, passed 10-2-1978)

**TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION REGULATIONS /
ADMINISTRATION AND ENFORCEMENT / § 155.999 PENALTY.**

§ 155.999 PENALTY.

The following shall apply to the violation of these regulations:

(A) Whoever violates any rule or regulation adopted by the City Council for the purpose of setting standards and requiring and securing the construction of improvements within a subdivision or fails to comply with any order pursuant thereto is creating a public nuisance, and the creation thereof may be enjoined and the maintenance thereof may be abated by action at suit of the city or any citizen thereof. Whoever violates these regulations shall forfeit and pay not less than \$100 nor more than \$1,000. Such fine may be recovered with costs in the Court of Common Pleas of Miami County.

(B) A County Recorder who records a plat contrary to the provisions of these regulations shall forfeit and pay not less than \$100 nor more than \$500 to be recovered with costs in a civil action by the Prosecuting Attorney in the name and for the use of Miami County.

(C) Whoever, being the owner or agent of the owner of any land within or without the city, transfers any lot, parcel, or tract of land from or in accordance with a plat of a subdivision before such plat has been recorded in the office of the County Recorder shall forfeit and pay the sum of not less than \$100 nor more than \$500 for each lot, parcel, or tract of land so sold. The

Tipp City, Ohio Code of Ordinances

description of such lot, parcel, or tract by metes and bounds in the deed or transfer shall not serve to exempt the seller from the forfeiture provided in this section. If such land is within the city, such sum may be recovered in a civil action brought in the Court of Common Pleas of Miami County by the legal representative of the city in the name of the city.

(D) Any person who disposes of or offers for sale or lease for a time exceeding 5 years any lot or any part of a lot in a subdivision before provisions of these regulations are complied with shall forfeit and pay the sum of not less than \$100 nor more than \$500 for each lot or part of a lot so sold, offered for sale, or leased, to be recovered with costs in a civil action in the name of the Finance Director for the use of the city.

(1974 Code, § 155.999) (Ord. 77-78, passed 10-2-1978)

**TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION REGULATIONS /
APPENDIX A: PLAT APPROVAL PROCEDURE**

APPENDIX A: PLAT APPROVAL PROCEDURE

Tipp City, Ohio Code of Ordinances

Preapplication Procedure

Subdivider consults Planning Board for data on standards and procedures for subdividing land

Subdivider has sketch prepared by registered surveyor and submits application sketch plat to Planning Board as required by § 155.032

Planning Board reviews preapplication sketch for conformity with the Comprehensive Plan, Subdivision Regulations, Zoning Code

Preliminary Plat

Subdivider submits preliminary plat for tentative approval by Planning

Planning Board accepts preliminary plat and assesses filing fee.

Planning Board acts on preliminary plat approval, approval with modifications, or disapproval

Planning Board reviews preliminary plat for conformance to regulations and refers plat to other governmental agencies jurisdiction

Final Plat

Subdivider makes required improvements on final plat in accordance with minimum specifications and in accordance with conditions of approved preliminary plat for approval,
or
in lieu of completed improvements, subdivider submits a performance bond or other surety with final plat for approval.

Developer submits application for final plat and final plat as specified in § 155.040 through

Planning Board refers plat to interested governmental agencies

Planning Board approves or disapproves final plat

Governmental agencies review final plat using final Checklist, § 155.059, and submit comments to Planning Board

Council accepts improvements

Developer records plat (if approved)

Tipp City, Ohio Code of Ordinances

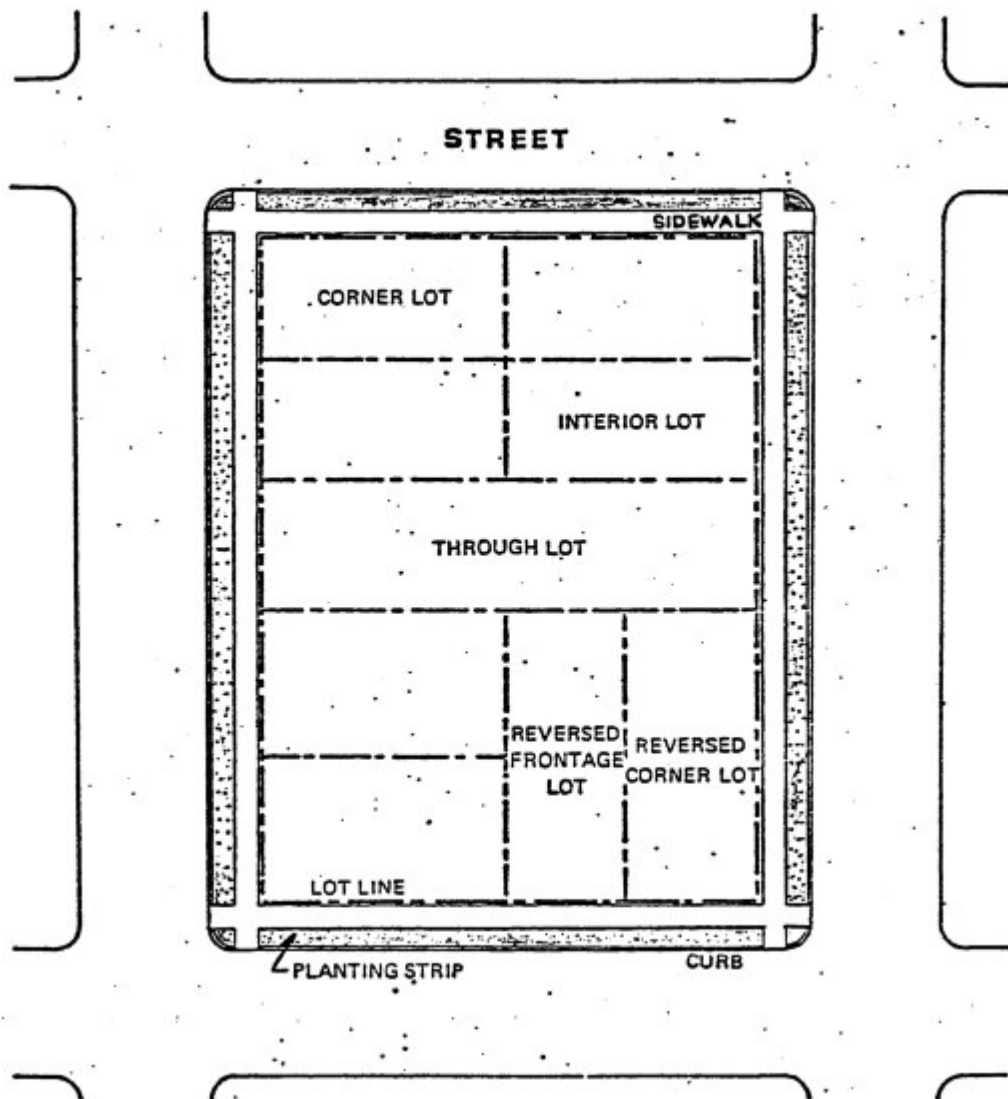
(1974 Code, § 155.009) (Ord. 77-78, passed 10-2-1978)

**TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION REGULATIONS /
APPENDIX B: ILLUSTRATIONS**

APPENDIX B: ILLUSTRATIONS

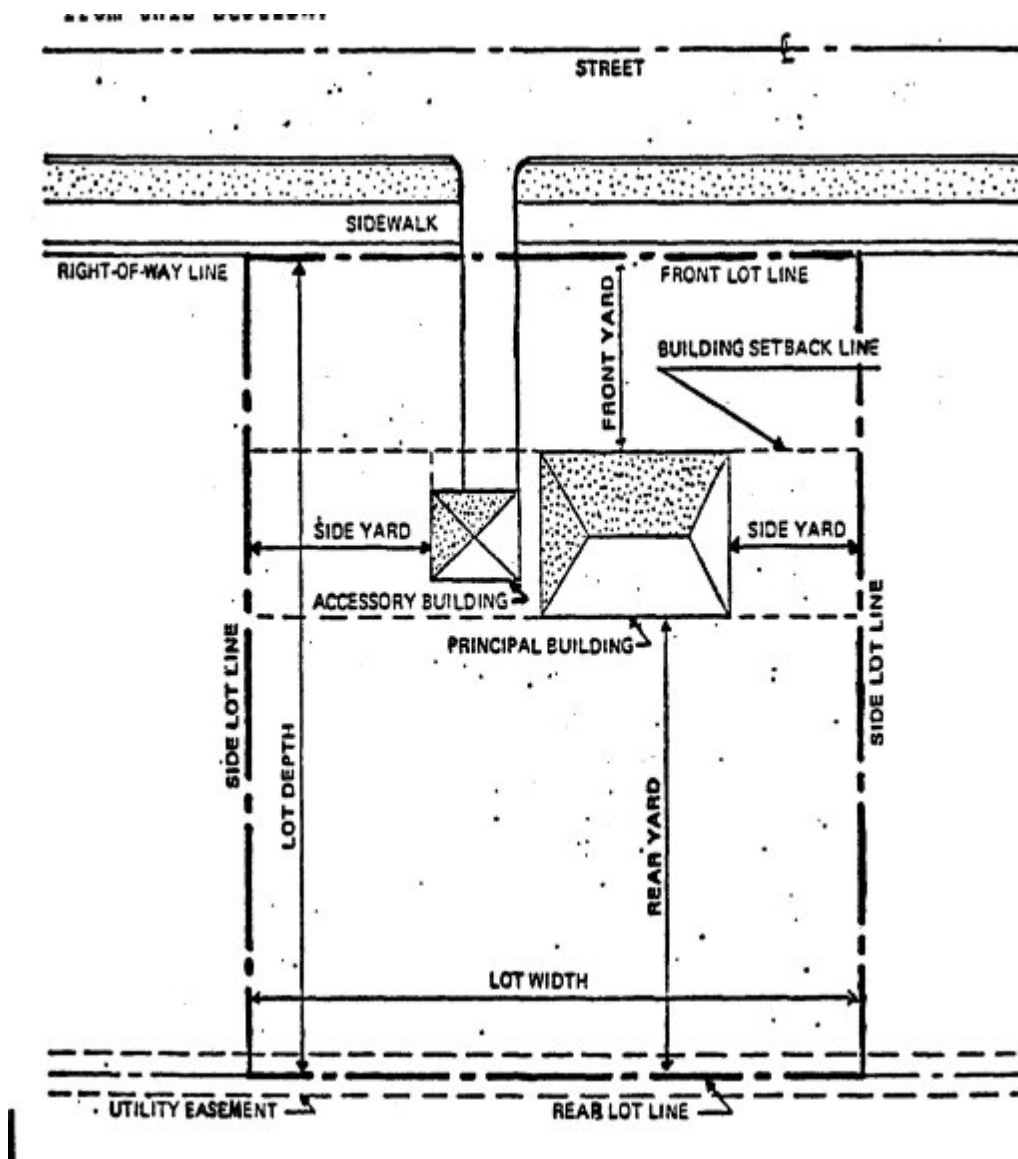
**TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION REGULATIONS /
APPENDIX B: ILLUSTRATIONS / § 1. TYPES OF LOTS.**

§ 1. TYPES OF LOTS.



**TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION REGULATIONS /
APPENDIX B: ILLUSTRATIONS / § 2. LOT TERMS.**

§ 2. LOT TERMS.



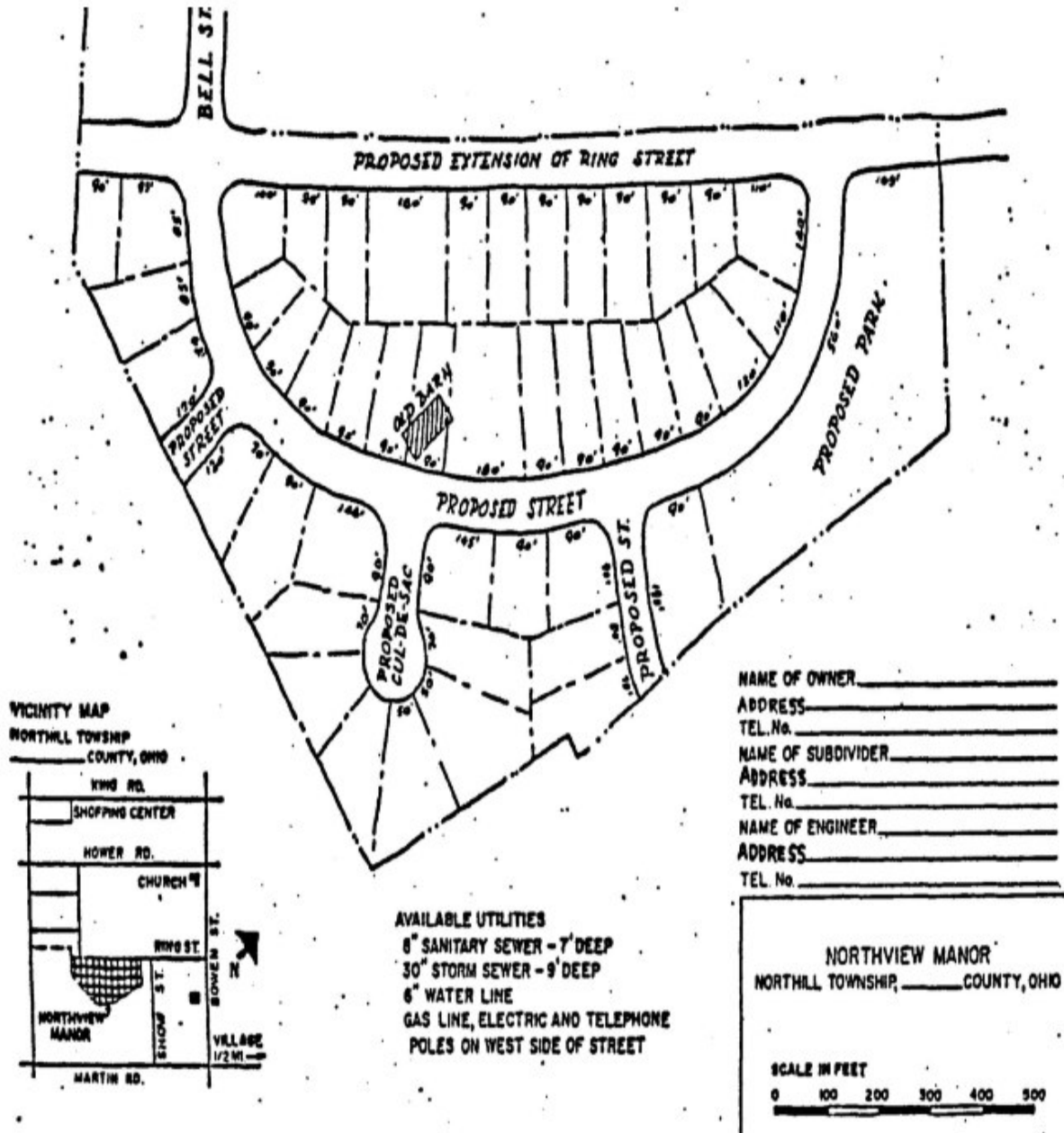
LOT AREA = TOTAL HORIZONTAL AREA

LOT COVERAGE = PERCENT OF LOT OCCUPIED BY BUILDING

(1974 Code, § 155.010) (Ord. 77-78, passed 10-2-1978)

**TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION REGULATIONS /
APPENDIX B: ILLUSTRATIONS / § 3. TYPICAL PREAPPLICATION SKETCH.**

§ 3. TYPICAL PREAPPLICATION SKETCH.



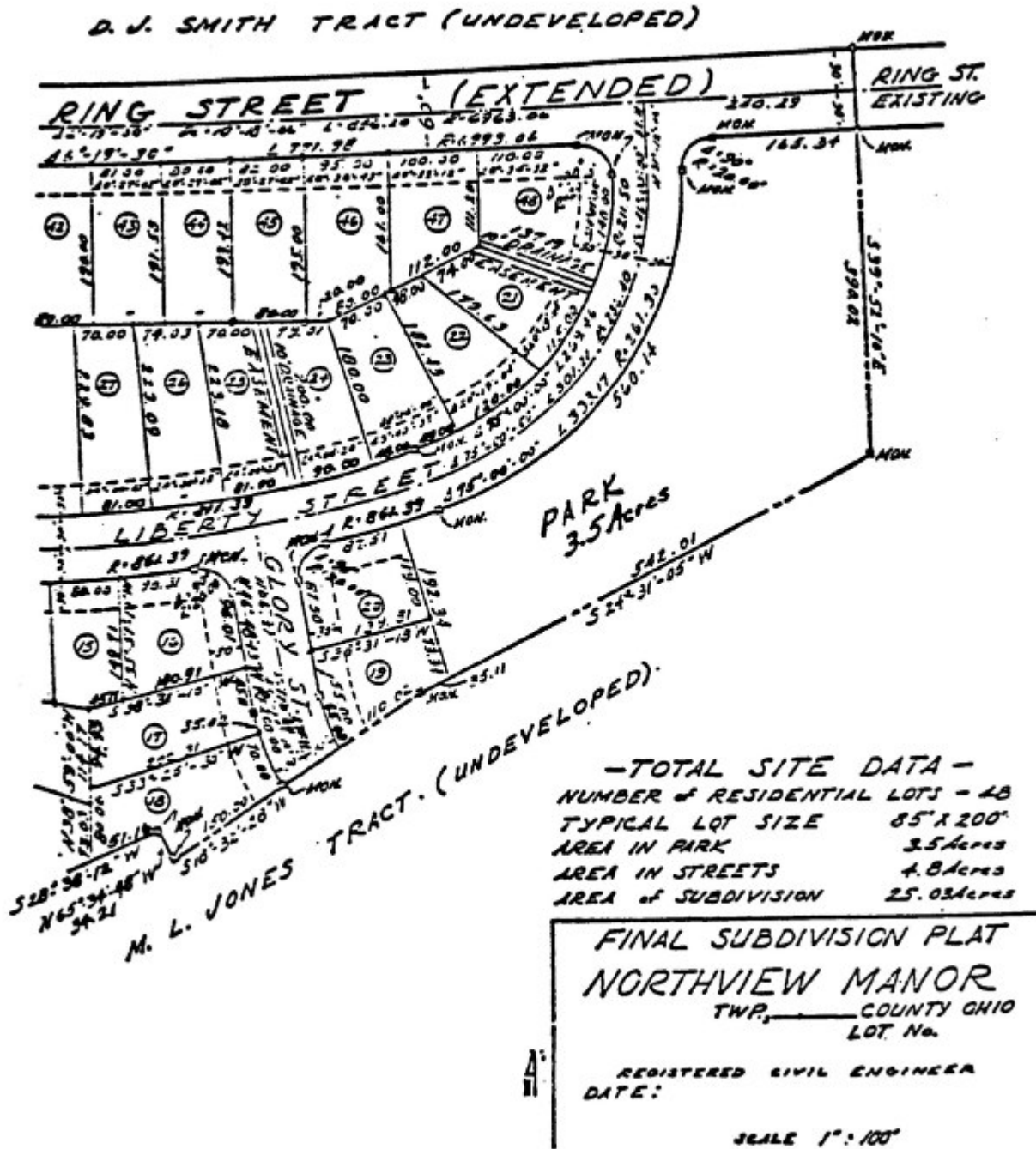
(1974 Code, § 155.021) (Ord. 77-78, passed 10-2-1978)

§ 4. TYPICAL PRELIMINARY SUBDIVISION PLAT.



**TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION REGULATIONS /
APPENDIX B: ILLUSTRATIONS / § 5. TYPICAL FINAL SUBDIVISION PLAT.**

§ 5. TYPICAL FINAL SUBDIVISION PLAT.



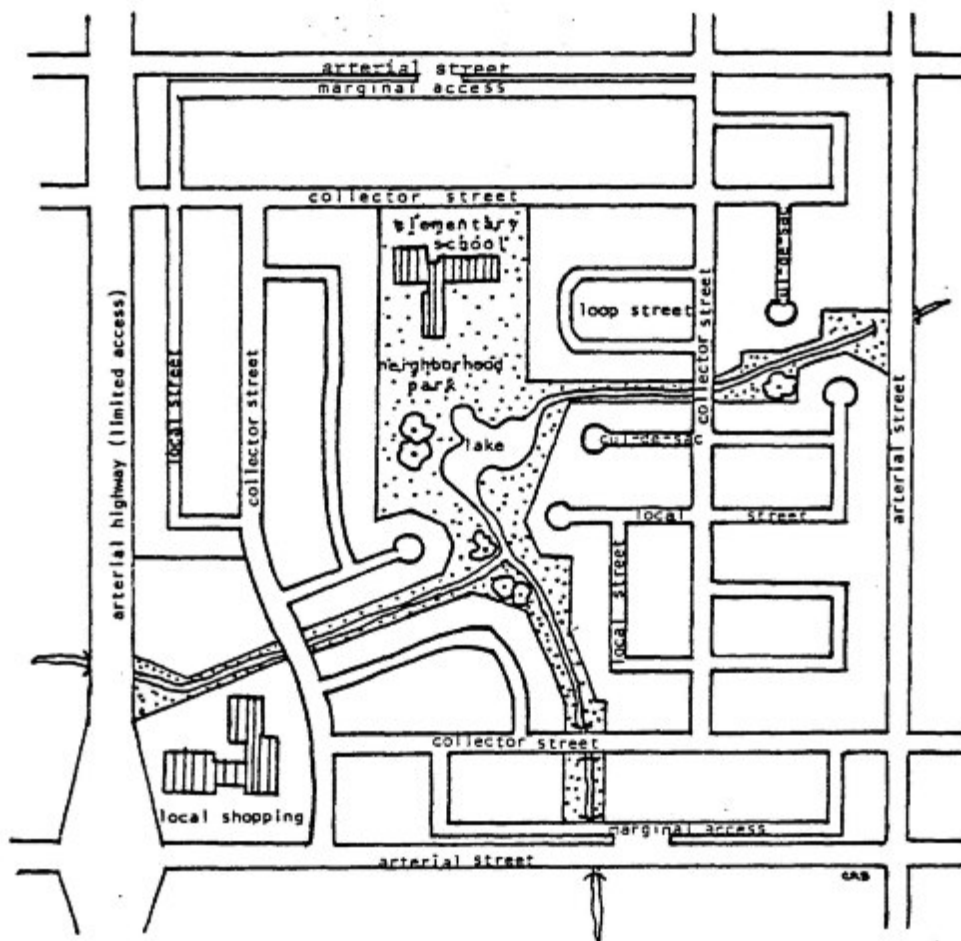
(1974 Code, § 155.042) (Ord. 77-78, passed 10-2-1978)

TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION REGULATIONS /
APPENDIX B: ILLUSTRATIONS / § 6. THOROUGHFARE SYSTEM

ILLUSTRATIONS.

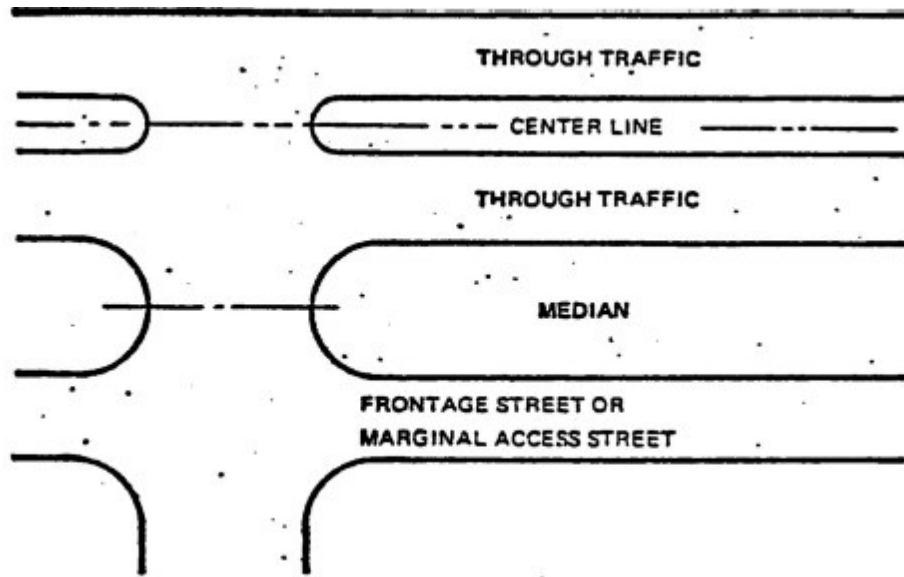
§ 6. THOROUGHFARE SYSTEM ILLUSTRATIONS.

(A) Classification of the Thoroughfare System

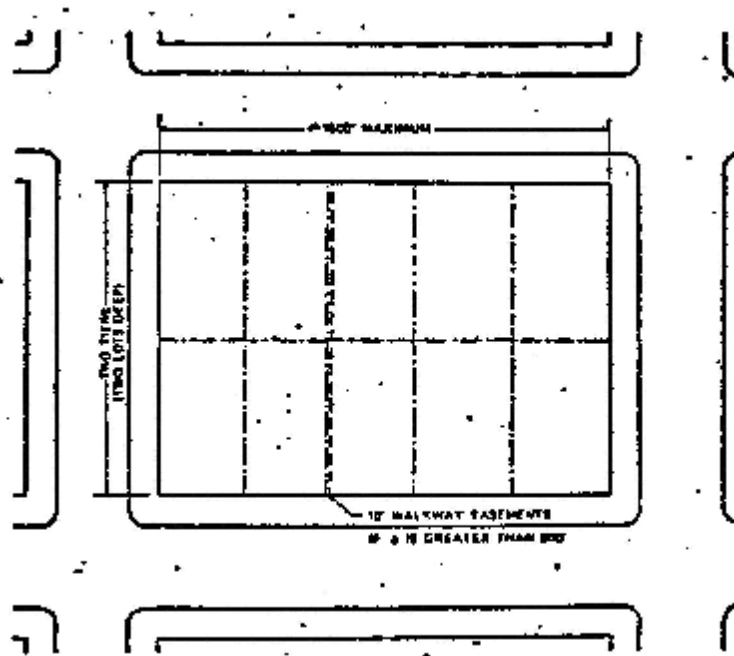


(B) Marginal access street.

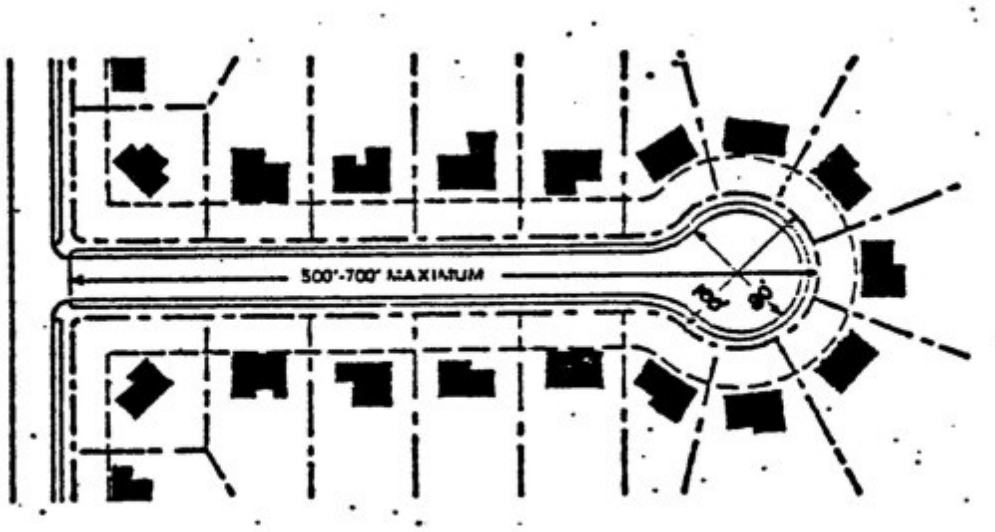
Access to arterial streets is controlled in the interest of public safety by eliminating scattered turning movements and to maintain the design capacity of the road system.



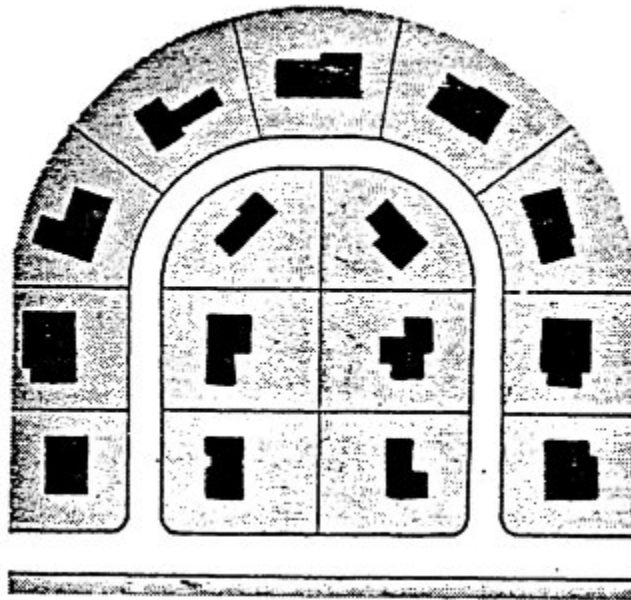
(C)



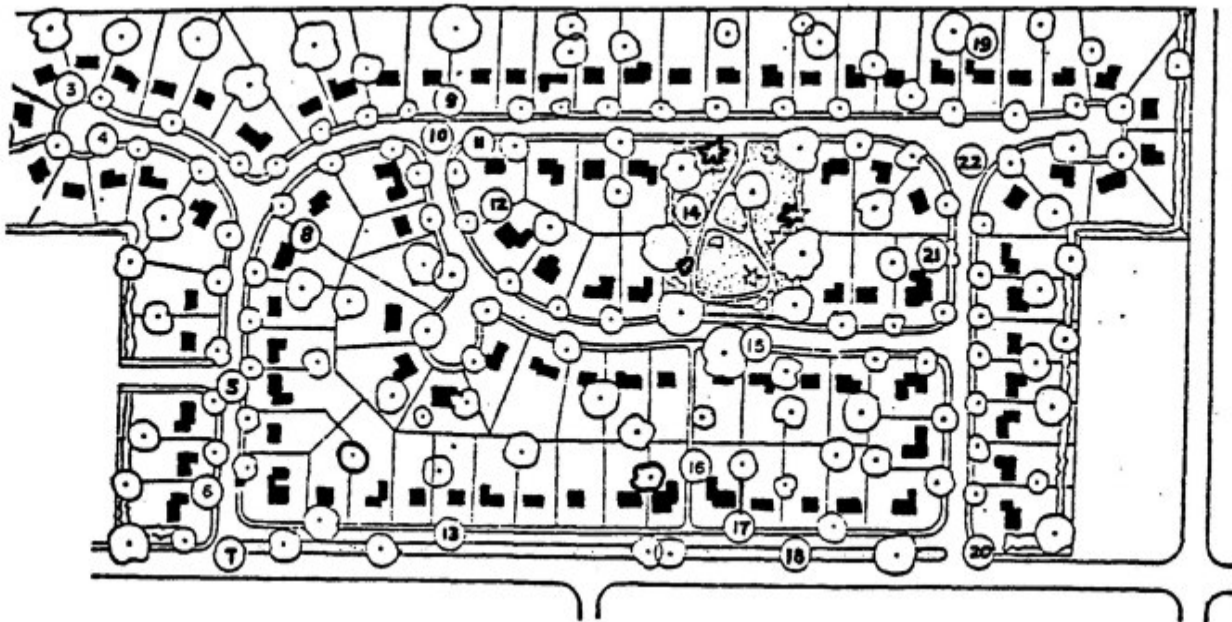
(D) Cul-de-sac.



(E) Loop street.



(F) Subdivision.



1. 15-foot easement for planting screen to provide protection from non-residential use.
2. 10-foot walk easement gives access to school.
3. Cul-de-sac utilizes odd parcel of land to advantage.
4. Turnaround right-of-way 100 feet in diameter.
5. Street trees planted approximately 50 feet apart where no trees exist.
6. Additional building setback improves subdivision entrance.
7. Street intersections of right angles reduce hazards.
8. Lot side line centered on street and to avoid car lights shining into residence.
9. Residence opposite street and set back further to reduce glare from car lights.
10. Three-way intersections reduce hazards.
11. Property lines on 30-foot radii at corners.
12. Lot side lines perpendicular to street right-of-way lines.
13. Secondary roadway eliminates hazard of entering major thoroughfare from

individual driveways.

14. Neighborhood park located near center of tract. Adjacent lots wider to allow for 15-foot protective side line setback.
15. Pavement shifted within right-of-way to preserve existing trees.
16. 10-foot walk easement provides access to park. Adjacent lots wider to allow for 15-foot protective side line setback.
17. Variation of building line along straight street creates interest.
18. Screen planting gives protection from noise and lights on thoroughfare.
19. Lots backing to uncontrolled land given greater depth for additional protection.
20. Low planting at street intersections permits clear vision.
21. Wider corner lot permits equal building setback on each street.
22. Platting of block end to avoid siding properties to residences across street.

(1974 Code, § 155.073) (Ord. 77-78, passed 10-2-1978)

**TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION REGULATIONS /
APPENDIX C: FORMS**

APPENDIX C: FORMS

Section

1. Application for tentative approval of preliminary plat
2. Preliminary plat checklist
3. Application for final plat approval
4. Application for minor subdivision approval
5. Final plat checklist
6. Technical design and improvement checklist
7. Application for subdivision variance, sample form

**TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION REGULATIONS /
APPENDIX C: FORMS / § 1. APPLICATION FOR TENTATIVE APPROVAL OF
PRELIMINARY PLAT.**

§ 1. APPLICATION FOR TENTATIVE APPROVAL OF PRELIMINARY PLAT.

_____, Ohio

Date _____ Application No. _____

1. Name of Applicant _____
Address _____
Phone _____

2. Name of Surveyor or Engineer _____
Address _____
Phone _____

3. Name of Subdivision _____

4. Locational Description _____ Section _____
_____ Township _____
Range _____ Other _____

(In addition, please attach copy of legal description)

5. Proposed Use _____
6. Present Zoning District _____
7. Proposed Zoning Changes _____
8. Number of Lots _____
Area of Parcel _____
9. Do you propose deed restrictions? Yes _____
No _____
10. What types of sewage disposal do you propose? _____

If an "on lot" type of sewage disposal is proposed include a letter from the County Board of Health approving a specific type of sewage disposal.

11. List all proposed improvements and utilities and state your intention to install or

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post a guarantee prior to actual installation.

	Improvement	Installation	Guarantee
a.	_____	_____	_____
b.	_____	_____	_____
c.	_____	_____	_____
d.	_____	_____	_____
e.	_____	_____	_____
f.	_____	_____	_____

12. List of other materials submitted with this application.

Item	No.
a. _____	_____
b. _____	_____
c. _____	_____
d. _____	_____
e. _____	_____
f. _____	_____
_____	_____

Applicant

Surveyor or Engineer

For Official Use

Date Received _____

Date of Meeting of Planning Board _

Action by Planning Board ____

If plat rejected, reason(s) for rejection _____

Tipp City, Ohio Code of Ordinances

Date _____

Chairperson

(1974 Code, § 155.023) (Ord. 77-78, passed 10-2-1978)

**TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION REGULATIONS /
APPENDIX C: FORMS / § 2. PRELIMINARY PLAT CHECKLIST.**

§ 2. PRELIMINARY PLAT CHECKLIST.

Date _____ Application Number _____

Subdivision _____

The following item(s) (does, does not) conform with the requirements of the _____

(City, Village, County) Subdivision Regulations. Those items not conforming are explained
on the final page:

	Does	Does Not	Item
1. permitted)	_____	_____	Name of Subdivision (no duplication
2.	_____	_____	Locational Description
3.	_____	_____	Name and address of owner, subdivider, surveyor and engineer
4.	_____	_____	Sheet size not larger than 24 x 36 (index sheet, if more than 1 sheet)
5.	_____	_____	Proper scale
6.	_____	_____	Date and North point
7.	_____	_____	Vicinity Map
8. owners	_____	_____	Names of adjacent subdivisions and
9.	_____	_____	Zoning classification of all major

Tipp City, Ohio Code of Ordinances

			parcels and proposed changes
10.	_____	_____	Topography at 2' intervals (5' intervals in Hillside Development)
11.	_____	_____	Location, width, and names of existing streets, right-of-ways, easements
12.	_____	_____	Location and dimensions of existing building and parks
13.	_____	_____	Corporation, township, range,
section lines			
14.	_____	_____	Location of existing utilities including sewers, water lines, and communication lines or poles
15.	_____	_____	Layout, names and widths of proposed streets or easements and proper dedications
	Does	Does Not	Item
16.	_____	_____	Layout and approximate dimensions of all lots
17.	_____	_____	Building setback lines
18.	_____	_____	Survey monuments of adjacent properties
19.	_____	_____	Parks and open spaces and proper dedications
20.	_____	_____	Proposed use of lots
21.	_____	_____	Copy of proposed deed restrictions, if any
22.	_____	_____	Sewage treatment and percolation test results
23.	_____	_____	Adequate preliminary improvement plans

Tipp City, Ohio Code of Ordinances

24. _____ Construction Estimates
25. _____ Required certifications
Date _____ Title or
Position _____

Signature

(1974 Code, § 155.032) (Ord. 77-78, passed 10-2-1978)

**TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION REGULATIONS /
APPENDIX C: FORMS / 3. APPLICATION FOR FINAL PLAT APPROVAL.**

3. APPLICATION FOR FINAL PLAT APPROVAL.

_____, Ohio

Date _____

1. Name of Applicant ____

Address _____

Phone _

2. Name of Surveyor or Engineer _____

Address _____

Phone _

3. Name of Subdivision

4. Date Preliminary Plat Approved ____

5. Was a zoning change requested? _____ Yes _____
No

If yes, the plat may not be approved until it conforms with the local zoning. Include a certification of zoning compliance if a change was requested.

6. Have all required improvements been installed? _____ Yes _____
_____ No

Tipp City, Ohio Code of Ordinances

If no, include detailed estimates of cost and a statement relative to the method of improvement guarantee. All estimates must be approved by the responsible (municipal, county) official.

7. Do you propose deed restrictions? _____ Yes _____
No

(If yes, please attach a final copy)

8. List other materials submitted with this application.

Item	No.
a. _____	_____
b. _____	_____
c. _____	_____
d. _____	_____
e. _____	_____
f. _____	_____
g. _____	_____

For Official Use

Date Received _____

Date of Meeting of Planning Board _

Plat Fee \$ _____ Inspection Fee \$ _____

Action by Planning Board ____

If plat rejected, reason(s) for rejection _____

Date _____

Chairperson

(1974 Code, § 155.041) (Ord. 77-78, passed 10-2-1978)

**TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION REGULATIONS /
APPENDIX C: FORMS / § 4. APPLICATION FOR MINOR SUBDIVISION
APPROVAL.**

§ 4. APPLICATION FOR MINOR SUBDIVISION APPROVAL.

Tipp City , Ohio

Date _____

Application No. _____

The undersigned applies for minor subdivision approval under Ohio R. C. § 711.131, and certifies all material submitted with this application is true and correct.

Signature _____

Address _____

Phone _____

Minor subdivision approval may be granted only under the following conditions:

1. The proposed subdivision is along an existing public road and involves no openings, widening or extension of any street.
2. No more than 5 lots are involved after the original parcel has been completely subdivided.
3. The subdivision is not contrary to applicable platting, subdividing, or zoning regulations. Variance can only be requested before the entire Board.
4. The property has been surveyed and a sketch and legal description is submitted, including the replatting of the lots into new Inlots, regardless of size.
5. Approval is granted, where applicable by the agencies listed below.

For Official Use

COUNTY BOARD OF HEALTH

Date Received _____

Tipp City, Ohio Code of Ordinances

Action _____

Comments _____

Signature

COUNTY ENGINEER

(If Outside of Corporate Limits of Tipp City)

Date Received _____

Action _____

Comments _____

Signature

CITY ENGINEER

Date Received _____

Action _____

Comments _____

Signature

PLANNING BOARD

Date Received _____

Action _____

Tipp City, Ohio Code of Ordinances

Comments _____

Signature

For Official Use Only

Date Filed _____

Fee Paid \$ _____

Action _____

Chairperson

(1974 Code, § 155.055) (Ord. 77-78, passed 10-2-1978; Am. Ord. 64-04, passed 12-6-2004)

**TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION REGULATIONS /
APPENDIX C: FORMS / § 5. FINAL PLAT CHECKLIST.**

§ 5. FINAL PLAT CHECKLIST.

Date _____ Application No. _____

Subdivision _____

The following item(s) (does, does not) conform with the requirements of the _____

(County, City, Village) Subdivision Regulations. Those items not conforming are explained on the final page:

	Does	Does Not	Item
1.	_____	_____	Submitted within 12 months of preliminary approval
2.	_____	_____	Conforms to preliminary plat and incorporates suggested changes

Tipp City, Ohio Code of Ordinances

3.	_____	_____	Name of subdivision
4.	_____	_____	Proper scale
5.	_____	_____	Date and North point
6.	_____	_____	Locational Description
7.	_____	_____	Sheet size not larger than 22" x 36" (index sheet if more than 1 sheet)
8.	_____	_____	Name and address of owner, surveyor, and engineer
9.	_____	_____	Accurate survey data - seconds; lineal dimensions to hundredths of feet; radii; internal angles; points of curvature; tangent bearing; lengths of arcs; lengths of chords
10.	_____	_____	Closure
11.	_____	_____	Bearings and distances to permanent monuments
12.	_____	_____	Name, location, width, and centerline of streets
13.	_____	_____	Lot numbers and dimensions
14.	_____	_____	Location and description of monuments
15.	_____	_____	Building setback lines
16.	_____	_____	Parks and open spaces and proper dedications
	Does	Does Not	Item
17.	_____	_____	Final deed restriction
18.	_____	_____	Final improvement plans
19.	_____	_____	Installation or guarantee of installation of improvements
20.	_____	_____	Required final certifications (See §§

Tipp City, Ohio Code of Ordinances

155.095 through 155.118)

Date _____ Title or
Position _____

Signature _____

(1974 Code, § 155.059) (Ord. 77-78, passed 10-2-1978)

**TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION REGULATIONS /
APPENDIX C: FORMS / § 6. TECHNICAL DESIGN AND IMPROVEMENT
CHECKLIST.**

§ 6. TECHNICAL DESIGN AND IMPROVEMENT CHECKLIST.

The following item(s) (does, does not) conform with or does not apply (NA) to the requirements of Article IV and V of the _____ (City, Village, County) Subdivision Regulations. Those items not conforming are explained on the final page:

SCHEDULE OF YARD AND LOT REQUIREMENTS						
<i>District</i>	<i>Minimum Lot Area (Sq. Ft.)</i>	<i>Minimum Corner Lot Area</i>	<i>Minimum Lot Width</i>	<i>Minimum Front Yard</i>	<i>Minimum Rear Yard*</i>	<i>Minimum Side Yard</i>
R-1	2 acres	2.2 acres	200 ft.	75 ft.	75 ft.	40 ft.
R-1A	20,000 sq. ft.	24,000 sq. ft.	120 ft.	40 ft.	50 ft.	15 ft.
R-1B	12,000 sq. ft.	14,400 sq. ft.	100 ft.	35 ft.	40 ft.	10 ft. (25 ft. total for both)
R-1C	9,000 sq. ft.	10,800 sq. ft.	80 ft.	30 ft.	35 ft.	10 ft.
R-2 Single family	8,500 sq. ft.	10,200 sq. ft.	75 ft.	30 ft.	30 ft.	8 ft.

Two-family (Special use)	11,000 sq. ft.	13,200 sq. ft.	80 ft.	35 ft.	30 ft.	10 ft.
R-3 Two-family	10,000 sq. ft.	12,000 sq. ft.	80 ft.	35 ft.	30 ft.	10 ft.
Multi-family	4,000 sq. ft. per unit	4,800 sq. ft. per unit	100 ft.	35 ft.	40 ft.	10 ft.

**TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION REGULATIONS /
APPENDIX C: FORMS / § 7. APPLICATION FOR SUBDIVISION VARIANCE,
SAMPLE FORM.**

_____, Ohio Date _____

Name _____

Address

Phone

1. Locational Description: _____

2. Nature of Variance Requested: Describe generally the nature of the variance

- # Tipp City, Ohio Code of Ordinances

Tipp City, Ohio Code of Ordinances

- a. exceptional topographical or other conditions peculiar to this particular parcel of land;
- b. why a literal interpretation of the regulations would deprive the applicant of rights enjoyed by other property owners;
- c. that the peculiar conditions do not result from previous actions of the applicant;
- d. that the requested variance is the minimum variance that will allow a reasonable division of the land;
- e. a sketch of the area showing the location and characteristics of the requested variance.

I certify that all information contained in this application and its supplements is true and correct.

Signature

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For Official Use Date Filed _____

Fee Paid \$ _____ Action _____

Chairperson

(1974 Code, § 155.113) (Ord. 77-78, passed 10-2-1978)